

IN THE MATTER OF
THE APPLICATION OF
GEORGE J. GUTHALL, ET UX
FOR A ZONING VARIANCE ON
PROPERTY LOCATED ON THE
NORTHWEST CORNER OF
EDGEWOOD ROAD AND KENNOWAY
ROAD (1741 EDGEWOOD ROAD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-27-A

* * * * *

OPINION

This case comes before the Board on appeal from a decision of the Deputy Zoning Commissioner dated October 13, 1994, denying a Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed accessory structure, a swimming pool, to be located in the third of the lot closest to the street in lieu of the farthest third.

The Petitioners, George J. Guthall and Eva J. Guthall, were represented by Robert A. Hoffman, Esquire. The Protestant, Joseph W. King, was not represented by an attorney.

The Petitioners presented the testimony of Mrs. Eva J. Guthall and that of William Monk, a land use planner and zoning consultant. Mr. King testified in his own behalf and presented testimony of a neighbor, Glenn Simmons, and Frank Stromyer, president of the Board of Directors, Associates of Loch Raven Village.

From the testimony and evidence received by the Board at the March 29, 1995, hearing, the Board finds the following facts.

The Petitioners have lived at the subject property, an end-of-group townhouse located at the corner of Edgewood and Kennoway roads in Loch Raven Village, since December, 1994. The subject property is a triangular-shaped lot of approximately .153 acres, zoned D.R. 10.5. The Petitioners have lived elsewhere in Loch Raven Village for 25 years. They moved to the subject property because it had a big yard and they wanted a pool.

Mrs. Guthall testified that she is from Florida and likes to swim for exercise. She also would like the pool for her six grandchildren. The Petitioners had requested an 18-by-40-foot pool at the Zoning Commission hearing, but were requesting a reduced-sized pool of 16-by-36 feet before this Board. They had also cancelled plans for a diving board, and moved a proposed 6-foot

high privacy fence so that it would only be around the pool area, instead of all the way to the alley. The change in the fence location was in deference to safety concerns voiced by neighbors at the original hearing that neighborhood children might not be able to see cars coming around the alley.

Mr. Monk testified that if the pool were placed in the third of the lot farthest from the road, it would damage the roots of the next-door neighbor's tree and thus impact the tree. He also testified that if the pool were placed in that location, the Petitioners would lose the walkway to their garbage can. He stated that the pool encroaches 11 feet, including the deck, onto the third of the lot closest to the road.

Mr. Simmons, who lives at 8427 Greenway Road, across the alley and catercorner to the subject property, testified that the neighborhood has rules and regulations that protect the neighborhood's uniformity and property values. He stated that since there are no restrictive covenants regarding pools, he felt that the zoning regulations should be strictly enforced. Furthermore, he testified that he did not want a precedent set.

Mr. Stromyer testified that the Board of Directors of the Associates of Loch Raven Village had adopted a resolution opposing the zoning variance for the proposed pool (Protestant's Exhibit 2).

The Protestant, Mr. King, who lives at 1701 Kennoway Road, testified that if the variance were allowed, the pool would be visible from the front of his property, but if it were placed in the rear yard without any variance, it would impact only on his rear yard. He presented as an exhibit a swimming pool company brochure showing pools of a size small enough to fit in the subject property without a variance (Protestant's Exhibit 9).

To be granted a variance, the Petitioner must comply with Section 307 of the BCZR which states that a variance may be granted "only in cases where special circumstances exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship . . ."

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Petitioners maintain that strict compliance with the BCZR would result in practical difficulty based on two principal considerations: that placement of a swimming pool of the size desired without a variance would impact the root system of a neighbor's tree and cause damage to the tree, and that such placement would deprive the Petitioners of the walkway to their garbage can. Petitioners argued that a smaller pool, which could be built without the variance, would not be large enough to offer Mrs. Guthall the exercise she desired, and that this is the size pool she wants for herself and her grandchildren.

From the testimony and evidence presented, the Board finds that the Petitioners have not established that strict compliance with the BCZR will result in practical difficulty. The Petitioners' own exhibit, Petitioner's Exhibit 5, an excerpt from the publication, "Trees for Architecture and Landscape," states that a tree can survive the loss of as much as one-half of its roots if proper remedial action is taken. Further, the Board finds that having to give up a walkway to the garbage can in order to have a swimming pool of the size the Petitioners desire would constitute an inconvenience, but could not be considered a practical difficulty or unreasonable hardship sufficient to grant a variance.

For the above reasons the Board will deny the petition for a variance.

ORDER

IT IS THEREFORE, this 17th day of May, 1995, by the
County Board of Appeals of Baltimore County,

ORDERED that a variance from Section 400.1 of the Baltimore County Zoning



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 17, 1995

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 95-27-A
George J. Guthall, et ux

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. & Mrs. George J. Guthall
Mr. Harold A. Tipton, Jr.
Maryland Pools, Inc.
Mr. & Mrs. Joseph King
Mr. Frank Stromyer, President
Loch Raven Village Association
Pat Keller
People's Counsel for Baltimore County
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM



IN RE: PETITION FOR ADMIN. VARIANCE
NW/Corner Edgewood Road and
Kennoway Road
(1741 Edgewood Road)
9th Election District
4th Councilmanic District

George J. Guthall, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-27-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1741 Edgewood Road, located in the Baynesville/Loch Raven Village area of northern Baltimore County. The Petition was filed by the owners of the property, George J. and Eva J. Guthall, seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the third of the lot closest to the street in lieu of the farthest third. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

This matter was originally filed through the Administrative Variance process. However, at the request of the neighboring property owners, Mr. & Mrs. Joseph King, the matter was scheduled for a public hearing to allow both sides an opportunity to present their respective positions.

Appearing at the hearing on behalf of the Petition were George and Eva Guthall, property owners, and Harold Tipton, a representative of Maryland Pools, Inc. Many residents of the surrounding community appeared in opposition to the Petitioners' request, all of whom signed the Protestants sign-in sheet.

ORDER RECEIVED FOR FILING
Date 10/13/94
By [Signature]

Testimony and evidence presented revealed that the subject property consists of .153 acres, more or less, zoned D.R. 10.5 and is improved with an end-of-group, single family townhouse dwelling. The property is a triangular-shaped lot located at the corner of Kennoway Road and Edgewood Road in the community of Loch Raven Village. The Petitioners are desirous of installing an in-ground swimming pool in the side/rear yard of their property as shown on Petitioner's Exhibit 1. Mr. Harold Tipton testified that Maryland Pools, Inc. is the contractor of the proposed pool, which will be approximately 18' x 40' in size. He testified that the pool will be a Lazy "L" shape with a diving board at its deep end. Further testimony indicated that two trees will have to be removed to accommodate the pool and that a new fence will be constructed around the perimeter of the property to comply with the Baltimore County Code.

As noted above, many residents appeared and testified in opposition to the relief requested. Testimony revealed that while there are other in-ground swimming pools in this community, these pools are located in the rear yard of those properties where they do not infringe upon the front of neighboring properties. The Protestants argued that the proposed location of this swimming pool will infringe upon the front of the houses on Kennoway Road as it will be visible to these homes, particularly to the home of Mr. and Mrs. King, which is located immediately across the alley from this site at 1701 Kennoway Road. Further testimony indicated that the subject pool would also be visible to those houses located across the street on Edgewood Road. In addition to the visual impact this pool would have on surrounding residences, the Protestants objected to the noise that would result from the use of this pool by the Petitioners and their family. They argued that Loch Raven Village is a community of townhouse dwelling

ORDER RECEIVED FOR FILING

Date

By

units which are built very close together and that given the tight location of these homes, this swimming pool will infringe upon the quiet enjoyment of the neighbors' use of their property.

The Protestants testified that they would not be opposed to a swimming pool on the Guthall property if that pool could be located directly behind the subject dwelling and not as proposed. They argued that the Petitioners could locate this pool behind their residence and not adversely affect the quality of life enjoyed by their neighbors to the front of and across from this site.

Mr. Tipton testified that because of an overhead electrical wire which runs across the rear of the property, the proposed pool cannot be located directly behind the Petitioners' home. He testified that this is a safety regulation which restricts the location of swimming pools around electric wires. Furthermore, Mr. Tipton testified that the Guthalls could not construct the size of pool they feel would be adequate for their family directly behind their home and that the proposed location is the most practical for the size of pool they wish to build.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

RECEIVED FOR FILING

10/13/94
By

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.


Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of October, 1994 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the third of the lot closest to the street in lieu of the farthest third, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER FOR FILING
Date 10/13/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 13, 1994

Mr. & Mrs. George J. Guthall
1741 Edgewood Road
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Edgewood Road and Kennoway Road
(1741 Edgewood Road)
9th Election District - 4th Councilmanic District
George J. Guthall, et ux -Petitioners
Case No. 95-27-A

Dear Mr. & Mrs. Guthall:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Harold A. Tipton, Jr.
Maryland Pools, Inc., 9515 Gerwig Lane, Suite 119, Columbia, Md. 21046

Mr. & Mrs. Joseph King, 1701 Kennoway Road, Baltimore, Md. 21234

Mr. Frank Stromyer, President, Loch Raven Village Association
8122 Kirkwall Ct., Towson, Md. 21286

People's Counsel; File





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1741 EDGEWOOD RD.
which is presently zoned DR 10-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 to permit an accessory structure (pool) in the third of the lot closest removed from any street in lieu of the farthest third.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

* IRREGULAR LOT. CORNER LOT. NOT ENOUGH ROOM FOR POOL TO GO IN HALF AWAY FROM SIDE STREET.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

GEORGE J. GUTHALL
(Type or Print Name)

Signature

EVA J. GUTHALL
(Type or Print Name)

Signature

1741 EDGEWOOD RD (410) 337-9778
Address Phone No.

BALTIMORE MD 21234
City State Zipcode

Name, Address and phone number of representative to be contacted

HAROLD A. TINTON JR 410
Name
9515 GERWIG LA. COLUMBIA, MD 995-6600
Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of ____ 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: MDK DATE: 7/27/94

ESTIMATED POSTING DATE: 8/7/94



Printed with Soybean Ink
on Recycled Paper

ITEM #: 29

ORDER RECEIVED FOR FILING
Date 7/27/94
By [Signature]

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1741 EDGEWOOD ROAD
address
BALTIMORE MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

x IRREGULAR LOT. CORNER LOT. NOT ENOUGH
ROOM FOR POOL TO GO IN HALF AWAY
FROM SIDE STREET.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

x George J. Guthall
(signature)
GEORGE J. GUTHALL
(type or print name)



x Eva J. Guthall
(signature)
EVA J. GUTHALL
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of July, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

x
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/26/94
date

James F. [Signature]
NOTARY PUBLIC

My Commission Expires: March 25, 1997

95-27-A

ZONING DESCRIPTION

Being known and designated as Lot No. 25, Block No. 4,
as shown on the Plat of Loch Raven Village Subdivision
Plat of Parts of Blocks Nos. 4, 5, 6 and 7, recorded
among the Land Records of Baltimore County in Plat Book
J.W.B. No. 14 Folios 110 and 111.

#29

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-27A

District 9th Date of Posting 8/5/94

Posted for: Variance

Petitioner: George & Eva Guthall

Location of property: 1741 Edgewood Rd., NW/Cor Kennoway

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. F. H. H. H. Date of return: 8/12/94
Signature

Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-27-17

District 9th

Date of Posting 8/26/94

Posted for: Variance

Petitioner: George & Eva Guthrie II

Location of property: 1741 Edgewood & Rd, NW/Cor Kennerly

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. Kelly

Signature

Date of return: 8/26/94

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W.

Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-27-A (Item 29)
1741 Edgewood Road
NWC Edgewood Road
and Kennoway Road
9th Election District
4th Councilmanic
Petitioner(s):

George J. Guthall
and Eve J. Guthall

HEARING: WEDNESDAY,
SEPTEMBER 14, 1994 at
2:00 p.m. in Rm. 118, Old
Courthouse.

Variance: to permit an accessory structure (pool) in the third of the lot closest removed from any street in lieu of the farthest third.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3383

(2) For information concerning the file and/or hearing, Please Call 887-3381.

8/25 August 25.

TOWSON, MD.,

8/26

, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/25, 1994.

THE JEFFERSONIAN,

A. H. Harrison

LEGAL AD. - TOWSON

Smithsonian

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number:

95-27-A

Petitioner(s):

George J. & Eva J. Gouthall

Location:

1741 Edgewood Road - 21234

~~THE~~ Joseph W. Sr. and Dorothy B. King
Name(s) ----- (TYPE OR PRINT)

(☒) Legal Owners (☒) Residents, of

1701 Kennaway Rd
Address

Baltimore MD 21234 (410) 661-1752
City/State/Zip Code Phone

which is located approximately 1.5 feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Signature

Joseph W. King Sr.

Date

8/15/94

Signature

Dorothy B. King

Date

8/15/94

**BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT**

149560

DATE 8/16/94 ACCOUNT 2001-6150

AMOUNT \$ 40

RECEIVED FROM: Joseph W. King

FOR: Request for Hearing - Case 75-27-A

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CABRIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-27-A

Account: R-001-6150

Number

Date 7/27/94

Item Number: 29

Taken In By: JSK

Guthrie, George - 1741 Edgewood Rd

010 - Res. Loc. — \$50.00

080 - 1 sign — \$35.00

Total - \$85.00

01A01W021741CHRC
BA C01013A017 27-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

RECEIVED
COUNTY CLERK

94 NOV 28 PM 2:55

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

93-27-A

District: 9th Date of Posting: 11/20/94

Posted for: Appeal

Petitioner: George & Eva Guthall

Location of property: 1741 Kennoway Rd.

Location of Signs: Facing road way on property being appealed.

Remarks: _____

Posted by: M. H. Hester Date of return: 11/28/94
Signature

Number of Signs: 1



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & TAXATION
MISCELLANEOUS RECEIPT

No. 100-443887-100

DATE 11/16/94 ACCOUNT R-001-6150

AMOUNT \$ \$210.00

RECEIVED FROM: George and Eva Guthall

Appeal for Variance Sign

FOR: 1721 1701 Edgewood Road

01.01.2013 13:00 11.01.2013 13:00
第 11.01.2013 13:00 11.01.2013 13:00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 4, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: George and Eva Guthall
1741 Edgewood Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 95-27-A (Item 29)
1741 Edgewood Road
NWC Edgewood Road and Kennoway Road
9th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before August 7, 1994. The closing date (August 22, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Harold A. Tipton, Jr.



File

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 19, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-27-A (Item 29)

1741 Edgewood Road

NWC Edgewood Road and Kennoway Road

9th Election District - 4th Councilmanic

Petitioner(s): George J. Guthall and Eva J. Guthall

HEARING: WEDNESDAY, SEPTEMBER 14, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (pool) in the third of the lot closest removed from any street in lieu of the farthest third.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: George and Eva Guthall
Harold A. Tipton, Jr.
Joseph and Dorothy King

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTUMENT PUBLISHING COMPANY
August 25, 1994 Issue - Jeffersonian

Please forward billing to:

George and Eva Guthall
1741 Edgewood Road
Baltimore, Maryland 21234
337-9778

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-27-A (Item 29)
1741 Edgewood Road
NWC Edgewood Road and Kennoway Road
9th Election District - 4th Councilmanic
Petitioner(s): George J. Guthall and Eva J. Guthall
HEARING: WEDNESDAY, SEPTEMBER 14, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (pool) int he third of the lot closest removed from any street in lieu of the farthest third.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 27, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-27-A

GEORGE J. GUTHALL, ET UX -Petitioners
NW/corner Edgewood Road and Kennoway Road
(1741 Edgewood Road)
9th Election District
4th Councilmanic District

VAR -To permit proposed pool in 1/3 of lot
closest to road in lieu of farthest 1/3

10/13/94 -D.Z.C.'s Order in which Petition for
Variance was DENIED.

ASSIGNED FOR: WEDNESDAY, MARCH 29, 1995 at 10:00 a.m.

cc: C. Paige Wingert, Esquire Counsel for Petitioners
Mr. & Mrs. George J. Guthall Petitioners

Mr. Harold A. Tipton, Jr.
Maryland Pools, Inc.

Mr. & Mrs. Joseph King
Mr. Frank Stromyer, President
Loch Raven Village Association

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 1, 1995

NOTICE OF DELIBERATION

Having concluded this case on March 29, 1995, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

GEORGE J. GUTHALL -PETITIONER
CASE NO. 95-27-A

DATE AND TIME : Wednesday, April 19, 1995 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Robert A. Hoffman, Esquire
Mr. & Mrs. George J. Guthall

Counsel for Petitioners
Petitioners

Mr. Harold A. Tipton, Jr.
Maryland Pools, Inc.

Mr. & Mrs. Joseph King
Mr. Frank Stromyer, President
Loch Raven Village Association

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant





Petition for Administrative Variance

95-27-A

to the Zoning Commissioner of Baltimore County

for the property located at 1741 EDGEWOOD RD.
which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 to permit an accessory structure (pool) in the third of the lot closest removed from any street in lieu of the farthest third.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

IRREGULAR LOT. CORNER LOT. NOT ENOUGH ROOM FOR POOL TO GO IN HALF AWAY FROM SIDE STREET.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

GEORGE J. GUTHALL

(Type or Print Name)

George J. Guthall

Signature

EVA J. GUTHALL

(Type or Print Name)

Eva J. Guthall

Signature

1741 EDGEWOOD RD (410) 337-9778

Address Phone No.

BALTIMORE MD. 21234

City State Zipcode

Name, Address and phone number of representative to be contacted

HAROLD A. TATON JR.

Name

9515 GERWIG LA. COLUMBIA, MD 29956606

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: mark DATE: 8/27/94

ESTIMATED POSTING DATE: 8/7/94



Printed with Soybean Ink
on Recycled Paper

ITEM #: 29

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1741 EDGEMOOD ROAD

address

BALTIMORE

MD.

21234

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

IRREGULAR LOT. CORNER LOT. NOT ENOUGH
ROOM FOR POOL TO GO IN HALF WAY
FROM SIDE STREET.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

George J. Guthall
(signature)
GEORGE J. GUTHALL
(type or print name)



Eva J. Guthall
(signature)
EVA J. GUTHALL
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of July, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GEORGE J. GUTHALL & EVA J. GUTHALL

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/26/94
date

James F. [Signature]
NOTARY PUBLIC

My Commission Expires: March 25, 1997

CASE NO. 95-27-A

NW/Corner Edgewood Road and Kennoway Road
(1741 Kennoway Road)

9th District

Appealed: 11/7/94

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 22, 1994

(410) 887-3353

Mr. & Mrs. George J. Guthall
1741 Edgewood Road
Baltimore, MD 21234

RE: Item No. 29, Case No. 95-27-A
Petitioner: George J. Guthall, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Guthall:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 27, 1994, and a hearing scheduled accordingly.

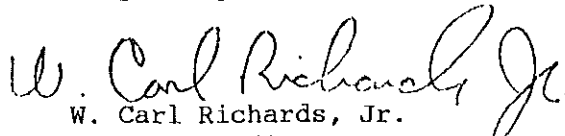
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,


W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

8-2-94

JULIE WINIARSKI
Ms. ~~Charlotte Minton~~
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: ~~X~~ 29 (MJK)

WINIARSKI:
Dear Ms. ~~Minton~~:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

RECEIVED

AUG 2 1994

ZADM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
HALL STOP 1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

9. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 25, 26, 29, 30, 31, 32,
33 AND 34.

RECEIVED
AUG 9 1994
ZADM

REVIEWER: LT. ROBERT E. SOLLERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1994

95.27

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 24, 25, 26, 29, 30, 31, 32, 33 and 34.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL:lw

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 17, 1994

George and Eva Guthall
1741 Edgewood Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 95-27-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

ARNOLD JABLON, DIRECTOR



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 10, 1994

Mr. and Mrs. Joseph King
1701 Kennoway Road
Baltimore, MD 21204

Mr. Frank Stromyer, President
Loch Raven Village Association
8122 Kirkwood Court
Baltimore, MD 21286

RE: Petition for Variance
NW/Corner Edgewood Road and Kennoway Road
(1741 Edgewood Road
9th Election District
4th Councilmanic District
George J. Guthall, et ux-Petitioners
Case No. 95-27-A

94 NOV 22 14:15
COUNTY CLERK

Dear Mr. and Mrs. King and Mr. Stromyer:

Please be advised that an appeal of the above-referenced case was filed in this office on November 4, 1994 by G. Paige Wingert, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,

A handwritten signature in cursive script, reading "Arnold Jablon / eoh".

ARNOLD JABLON
Director

AJ:eoh

c: Mr. Harold A. Tipton, Jr.
Maryland Pools, Inc.

People's Counsel



APPEAL

Petition for Administrative Variance
NW/Corner Edgewood Road and Kennoway Road
(1741 Kennoway Road)
9th Election District - 4th Councilmanic District
George J. Guthall, et ux-PETITIONERS
Case No. 95-27A

Petition for Administrative Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (not in file)

Zoning Plans Advisory Committee Comments

Protestants Sign-In Sheets

Petitioners's Exhibits: 1 - Plat to accompany petition
2 - 4 Photographs

Protestants' Exhibits: 1 - Photographic Map
2 - 2 Photographs
3 - 2 Photographs
4 - 2 Photographs
5 - 200 scale zoning map
6 - Plat of property
6 - 2 Photographs (Two exhibits marked #6)
7 - Plat of property
8 - 2 Photographs
9 - 2 Photographs
10 - 2 Photographs
11 - 2 Photographs
12 - Plat of property
13 - Plat of property
14 - Plat of property
15 - Plat of property
16 - List of protestants

Deputy Zoning Commissioner's Order dated October 13, 1994

Notice of Appeal received on November 7, 1994 from G. Paige Wingert,
Esquire

c: Mr. and Mrs. George J. Guthall, 1741 Edgewood Rd., Balto., MD
21234
C. Paige Wingert, Esquire, Venable, Baejter & Howard, 210
Allegheny Avenue, P.O. Box 5517, Balto., MD 21285
Mr. and Mrs. Joseph King, 1701 Kennoway Road, Balto., MD 21204
Mr. Frank Stromyer, President, Loch Raven Village Association,
8122 Kirkwood Court, Balto., MD 21286
Mr. Harold A. Tipton, Jr., Maryland Pools, Inc., 9515 Gerwig
Lane, Suite 119, Columbia, MD 21046
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

1/27/95 -Notice of Assignment for hearing scheduled for Wednesday, March 29, 1995 at 10:00 a.m. sent to following:

C. Paige Wingert, Esquire
Mr. & Mrs. George J. Guthall
Mr. Harold A. Tipton, Jr.
Maryland Pools, Inc.
Mr. & Mrs. Joseph King
Mr. Frank Stromyer, President
Loch Raven Village Association
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

3/29/95 -Hearing concluded before Board (Robert A. Hoffman, Esquire, appeared on behalf of Petitioners). Matter to be scheduled for public deliberation; notices to be sent when date assigned. (H.R.M.)

4/01/95 -Notice of Deliberation sent to parties (to be sent out in 4/03/95 mail). Scheduled for Wednesday, April 19, 1995 at 9:00 a.m. Copies to Board members.

4/19/95 -Deliberated; request for variance DENIED by Board; written Opinion and Order to be issued by Board; appellate period to run 30 days from date of that written Order. (H.R.M.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: George J. Guthall, et ux -Petitioners
Case No. 95-27-A

DATE : April 19, 1995 @ 9:00 a.m.

BOARD /PANEL : William T. Hackett (WTH)
Robert O. Schuetz (ROS)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Opening Comments /WTH: We are here this morning for deliberation on Case No. 95-27-A, in the matter of George J. Guthall. Let the record show that the deliberation was set for 9:00 a.m. It's now 9:14 a.m.; no attorneys are present. The Board has, as is required by law, studied the exhibits and notes on the hearing and has reached a decision as to the case that was here before us. The matter before the Board concerned a request for a variance as to the location of a pool. Mr. Schuetz, do you wish to express any thoughts on this matter?

ROS: Sure. The language in 307.1 indicates that, first of all, the conditions that exist are peculiar to the land or structure which is the subject of the request, and where strict compliance would result in practical difficulty or unusual hardship. First of all, I see no conditions peculiar to the land. It is a rowhouse community, and there are numerous properties just like this one in the area. Regarding strict compliance that would result in practical difficulty or unusual hardship: Practical difficulty is an issue where the desired design cannot be done inside of the areas normally set aside for such a project. Not the case here. Regarding unusual hardship, a pool is considered a luxury, not part of generally established use of residential property. None of the tests have been met. A variance shall be granted only if in strict compliance with height, area, etc., regulations. Obviously, spirit and intent of the regulations is to confer uses and development to the extent that height and area regulations would allow for given use of the property. A pool is not necessary to be in strict compliance with regulations (height, area, parking, etc.) Project does not meet any of the tests for granting of variance; would deny request.

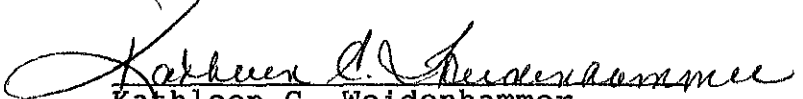
SDL: Petitioners attempted to show that unique circumstances existed in that root system of neighbor's tree extended on property; might be harmed if pool is placed there; would not constitute special or unusual circumstances in a rowhouse

neighborhood. Root system on adjacent neighbor's property in area of row homes would seem to be fairly common occurrence. Could be located without variance if pushed back into rear corner of yard; Mr. Monk testified -could impact tree; in addition, testified that if moved closer to neighbor, Petitioner would lose walkway to garbage cans; this is not a hardship. Mrs. Guthall testified that smaller pool which could be built without variance would not be large enough for exercise desired; size pool which she desires. Cannot find that strict compliance with zoning regulations by building smaller pool closer to neighbor's property would cause practical difficulty or unusual hardship. Would deny Petition.

ROS: Wishes to add: Regarding Court of Appeals and Court of Special Appeals, and most particularly Court of Appeals; has found that variances are difficult to obtain; in 70 years, that court has granted only three. The bottom line for a variance is something which is a vehicle for property owners whose property rights are negatively impacted to show that the law does not apply to them because of peculiarities; not the case here. In addition to that, in a very recent decision, the Court of Appeals has ruled that in any case where the design of a particular hoped-for project is the reason for the claim of unusual hardship or practical difficulty or peculiarity to the land, that is not sufficient reason for proof of any of those. Therefore, by virtue of Petitioner's decision to select this size pool, it's immaterial; design was chosen and design is not the basis for finding a fact that a variance is due and warranted.

WTH: Two Board members, in their evaluation of this matter, have covered all points. I will concur with them, and will issue written Opinion and Order reflecting that opinion. Any appeal of that Order will run from the date of the Order and not today's date, in which the request for the variance for the pool is denied. Thank you kindly.

Respectfully submitted,


Kathleen C. Weidenhammer
Administrative Assistant

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

ROBERT A. HOFFMAN
(410) 494-6262

April 5, 1995

County Board of Appeals of
Baltimore County
Old Courthouse, Basement
400 Washington Avenue
Towson, Maryland 21204

Re: Petition of George J. and Eva Guthall
Case No.: 95-27-A

Dear Board of Appeals Members:

As you are aware, an issue arose during the hearing as to the accuracy of the site plan filed in this administrative variance case. I asked the Guthalls to research their closing documents and their title company produced the enclosed copy of a location survey prepared by a registered land surveyor on July 18, 1994. I also asked Bill Monk to site as much of the pool as possible in the rear yard area in which the pool is permitted.

I hope this is of assistance to the Board as I do not believe this case should be decided either for or against the Guthalls based on the accuracy of a plan where no sealed drawing is required.

Yours truly,



Robert A. Hoffman

RAH/tls
Enclosure
cc: Mr. and Mrs. Joseph King

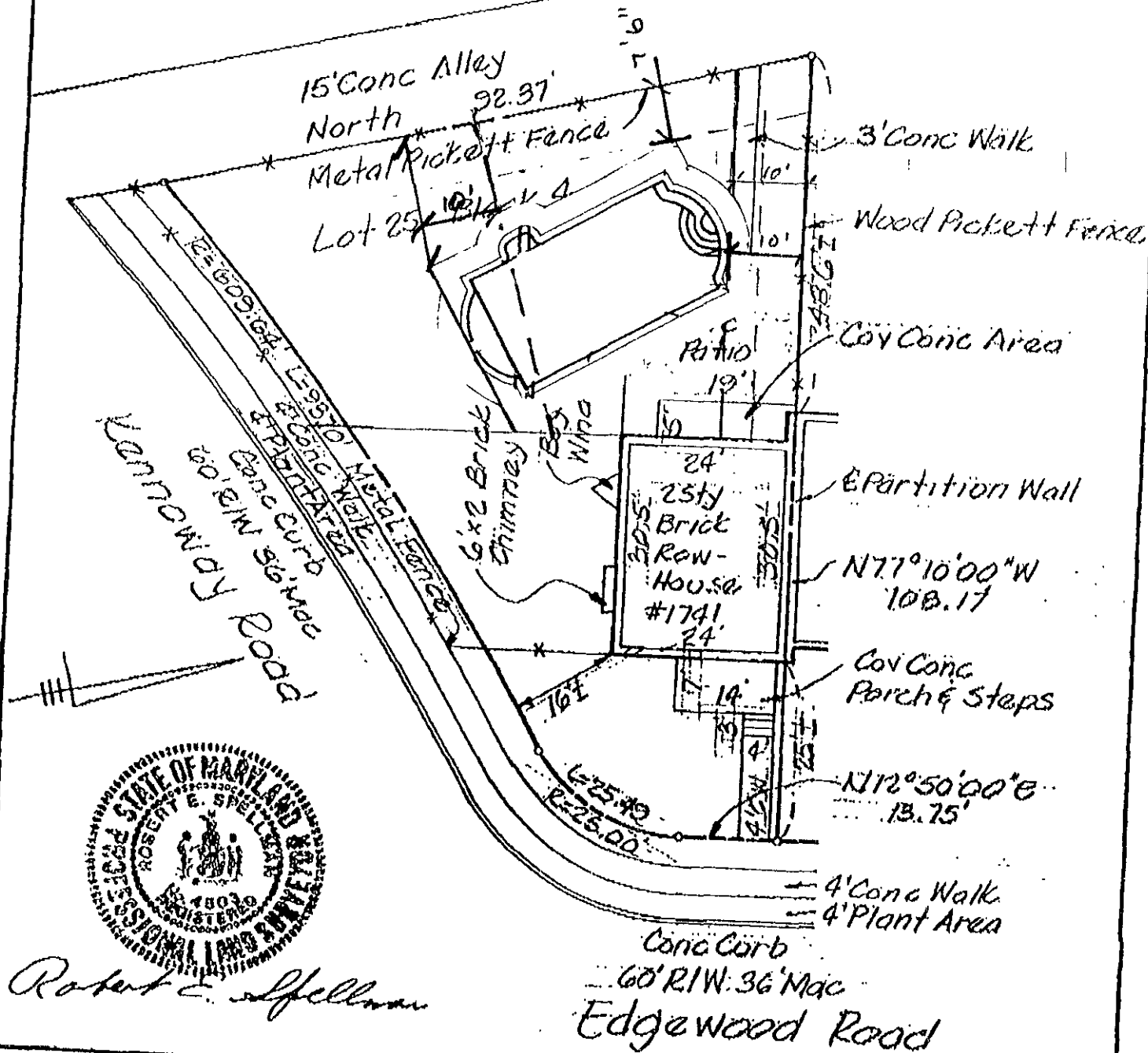
TOIDOC51/RAH01/0004470.01

55 APR - 5 07:11:45

H(m)

Plat of Property known as # 1741 Edgewood Road, also known as Lot 25, Block '4' as shown on Plat of "LOCH RAVEN VILLAGE" Subdivision Plat of Parts of Blocks Nos. 4-5-6 and 7 and recorded among the land records of Baltimore County in Plat Book 14, Folio 110.

***NOTE: THIS HOUSE IS NOT LOCATED IN THE FLOOD PLAIN.



THIS PLAT IS NOT INTENDED FOR THE USE IN THE ESTABLISHMENT OF PROPERTY LINES.

THIS IS TO CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN. THIS IS NOT A PROPERTY LINE SURVEY AND SHOULD NOT BE USED AS SUCH.

DON LYNCH ASSOC., INC.
4907 HARFORD ROAD
BALTIMORE, MD. 21214

Scale: 1" = 20'

Date: 7/18/94

Print-0 Stat

D.L. # 94-0883

VENABLE, BAETJER AND HOWARD
A partnership including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

ROBERT A. HOFFMAN
(410) 494-6262

November 4, 1994

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: George J. Guthall, et ux, Petitioners
1741 Edgewood Road
Appeal of Zoning Case No. 95-27-A

Dear Mr. Jablon:

On behalf our clients, Mr. and Mrs. George J. Guthall, whose address is 1741 Edgewood Road, Baltimore, Maryland 21234, I hereby note an appeal from the above-referenced Order of the Deputy Zoning Commissioner dated October 13, 1994.

Enclosed is a check payable to Baltimore County in the amount of \$210.00 to cover the cost of this appeal. Thank you for your cooperation.

Yours Truly,

G. Paige Wingert
G. Paige Wingert

GPW/dok

cc: Mr. and Mrs. George J. Guthall
Baltimore County Board of Appeals
Robert A. Hoffman, Esquire

JABLON45.GPW

RECEIVED
NOV 7 1994
7:30 PM

95 APR 17 PM 2:36

1701 Kennoway Road
Baltimore, Maryland 21234
April 14, 1995

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: George J. Guthall - Petitioner
Case No. 95-27-A

Dear Board of Appeals Members:

After receiving your "Notice of Deliberation" dated April 1, 1995 and postmarked April 4, 1995, my wife and I left town for a seven day trip. Upon our return, we found in our mail, a copy of a cover letter dated April 5, 1995, from Robert A. Hoffman, Esquire to the Board, in which he refers to the submission of (1) a location survey and (2) some kind of drawing done by Bill Monk. Neither of these documents was sent to us.

Your "Notice of Deliberation" letter clearly states that the Board "concluded this case on March 29, 1995" and scheduled April 19, 1995 at 9:00a.m. for deliberation. Accordingly, we believe that our due process rights would be violated should the Board consider these documents after the conclusion of the hearing on March 29, 1995.

Mr. Hoffman had over four months from the time his associate, G. Paige Wingert, Esquire, filed the appeal on November 4, 1994 and two months from the "Notice of Assignment" dated January 27, 1995, to prepare for the hearing. We therefore strongly object to the submission of this untimely evidence and its Ex Parte nature, since its authenticity, credibility, and accuracy cannot be challenged by cross-examination.

Very truly yours,

Joseph W. King
Joseph W. King

Dorothy B. King

cc: Robert A. Hoffman, Esquire (Hand Delivered)

RESOLUTION ADOPTED BY MEMBERSHIP OF
ASSOCIATES OF LOCH RAVEN VILLAGE, INC.

At the annual meeting of the Membership of the Associates of Loch Raven Village, Inc., duly called in accordance with its Bylaws, held on April 12, 1994 it being the first general meeting of the Membership of the Associates of Loch Raven Village, Inc. in the year 1994 the following resolution was adopted:

RESOLVED, that the responsibility for review and action on all zoning matters be, and the same hereby is, placed in the Board of Directors; and

IT IS FURTHER RESOLVED that the Board of Directors are hereby authorized to further delegate the authority hereby granted to the standing zoning committee or such other special committee as the Board, in its discretion, shall constitute; and

BE IT FURTHER RESOLVED, that the Board of Directors is hereby authorized to take such further action as may be necessary, from time to time, to meet the requirements of the Rules of Practice and Procedure of the County Board of Appeals, specifically Rule 8 thereof.

Associates of Loch Raven Village, Inc., a body corporate of the State of Maryland, hereby certifies that the foregoing is a full, true and correct copy of the Resolution unanimously adopted by its membership at the annual meeting held on April 12, 1994.

IN WITNESS WHEREOF, the said Corporation has caused this certificate to be signed by its President and attested by its Secretary, this 14th day of April, 12, 1994.

ATTEST:

Marian B. Holmes
Secretary

[Signature] 4/12/94
President

16 MAR 22 11:31

1994

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a
duly elected member of the (Board of Directors) (Zoning Committee)
of the Associates of Loch Raven Village, Inc. ~~Association.~~

ATTEST:

Associates of Loch Raven Village, Inc. ~~Association.~~

Marian B. Holmes Frank K. Stromyer
Secretary Marian B. Holmes President Frank K. Stromyer

DATE: March 21, 1995

Associates of Loch Raven Village, Inc. ~~XXXXXXXXXX~~

RESOLVED: That the position of the Associates of Loch Raven Village, Inc. ~~XXXXXXXXXX~~ as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:
PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Edgewood Road and Kennoway Road
(1741 Edgewood Road) 9th Election District - 4th Councilmanic District
George J. Guthall, et ux - Petitioners
Case No. 95-27-A
is that:

The Zoning Regulation Sec. 400.1 applying to
"Accessory Buildings in Residence Zones" be strictly
enforced and the request for a variance be
denied. We do not object to a swimming pool, only
where it is located.

AS WITNESS OUR HANDS AND SEAL THIS 21st day of
March, 19 95.

ATTEST:

Associates of Loch Raven Village, Inc. ~~XXXXXXXXXX~~

Marian B. Holmes Frank Stromyer
Secretary Marian B. Holmes President Frank Stromyer

8/19/94

8

4177-94
NJ-65

August 17, 1994

The Associates of Loch Raven Village, Inc.
c/o John B. Barry, V.P.
1551 Dellsway Road
Towson, MD 21286

321-0738 (W)

Zoning Administration and
Development Management
111 W. Chesapeake Ave
Towson, MD 21204

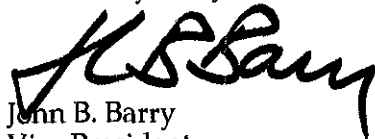
Re: George + EVA GUTHRIE
Administrative Variance
Case # 95-27-A

Dear Sir or Madam:

The Associates of Loch Raven Village, Inc. (hereinafter LRV), the neighborhood association governing the property requesting this variance request, hereby requests a public hearing. LRV feels that the public hearing will shed more light on the project, regarding the size of the pool, the location of the pool on the site, drainage issues, construction equipment usage in the alleys, and other related issues.

If you have any questions, please do not hesitate to call me.

Yours Very Truly,



John B. Barry
Vice President

JBB/pjw

cc: Mr. Frank Stromyer, President - LRV, 8122 Kirkwall Ct., Towson, MD 21286
Mr. Wayne Skinner, Dir. - LRV, 1813 Edgewood Road, Parkville, MD 21234
Mr. Joseph W. King, Sr. 1701 Kennoway, Parkville, MD 21234

LRV/94AU17/POOL HEAR REQ

RECEIVED
AUG 19 1994

ZADM

The wisdom from heaven is first of all pure.
James 3:17

Char --

The correct street name is
"Edgewood" Road -- the wrong street
name was picked up by ZADM on the
cover sheet.

I've only changed the label on
the file and the cover sheet.
We'll also need change on docket
sheet and in data base.

Thanks.

kathi

Case No. 95-27-A George Guthall

PLEASE PRINT CLEAR

Frank

GEORGE

James

Mari

CARMEL

Glenn

ALBERT D. MORAN

Bettie C. MORAN

Stephen A. King

Dorothy B. King

Joseph M. King

1731 Edgewood RD

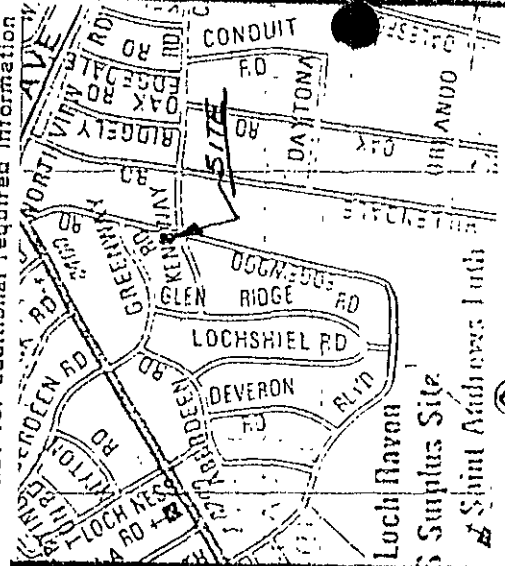
4309 Conifer Court

1701 Kennoway Rd

1701 Kennoway Rd

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information



Vicinity Map
North
Scale: 1"=1000'

LOCATION INFORMATION

Election District: 9

Councilmanic District: 4f

1"=200' scale map#: 579 n. e. 9C

Zoning: DR 10.5

Lot size: .153 acreage 666 square feet

Public: ☒ SEWER: ☒ WATER: ☒ YES ☐ NO ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: none

Zoning Office USE ONLY!

reviewed by: msk ITEM #: 29 CASE#:

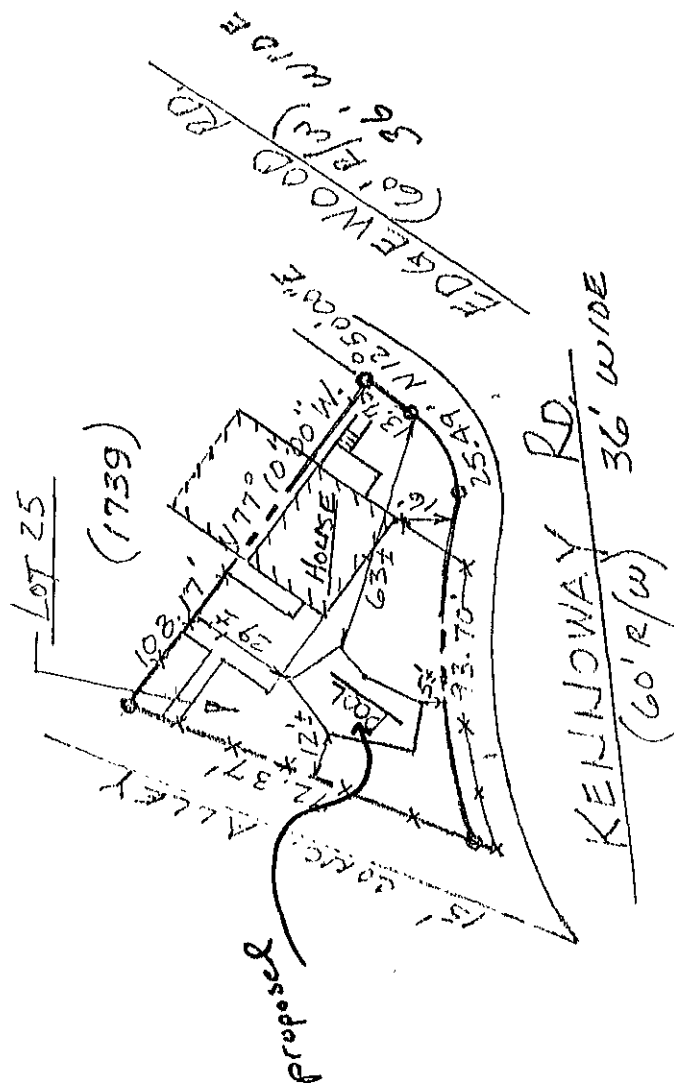
PROPERTY ADDRESS: #1741 Edgewood Road

Subdivision name: LOCH RAVEN VILLAGE

Plat book# 14, folio# 110, lot# 25, section# 4

OWNER: GEORGE J. & EVA J. GUTHALL

PLAT TO ACCOMPANY HEARING



PETITIONER'S EXHIBIT

95-27-A

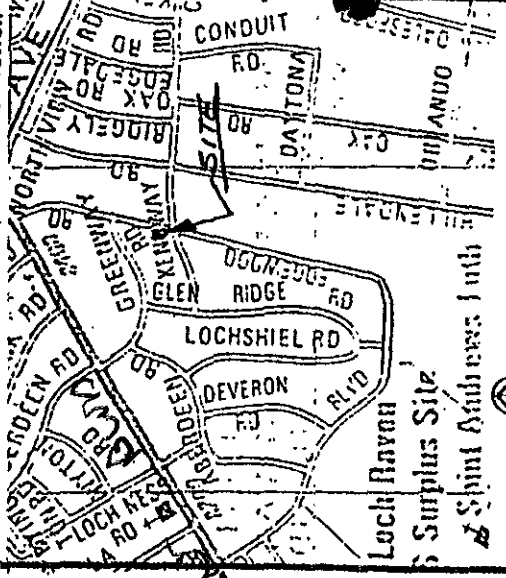
North

date: 7/25/94

prepared by: D.J.T. Scale of Drawing: 1"= 50'

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information



Vicinity Map
North
Scale: 1"=1000'

LOCATION INFORMATION

Election District: 9
 Councilmanic District: 4
 1"=200' scale map#: 575 n. e. 9C

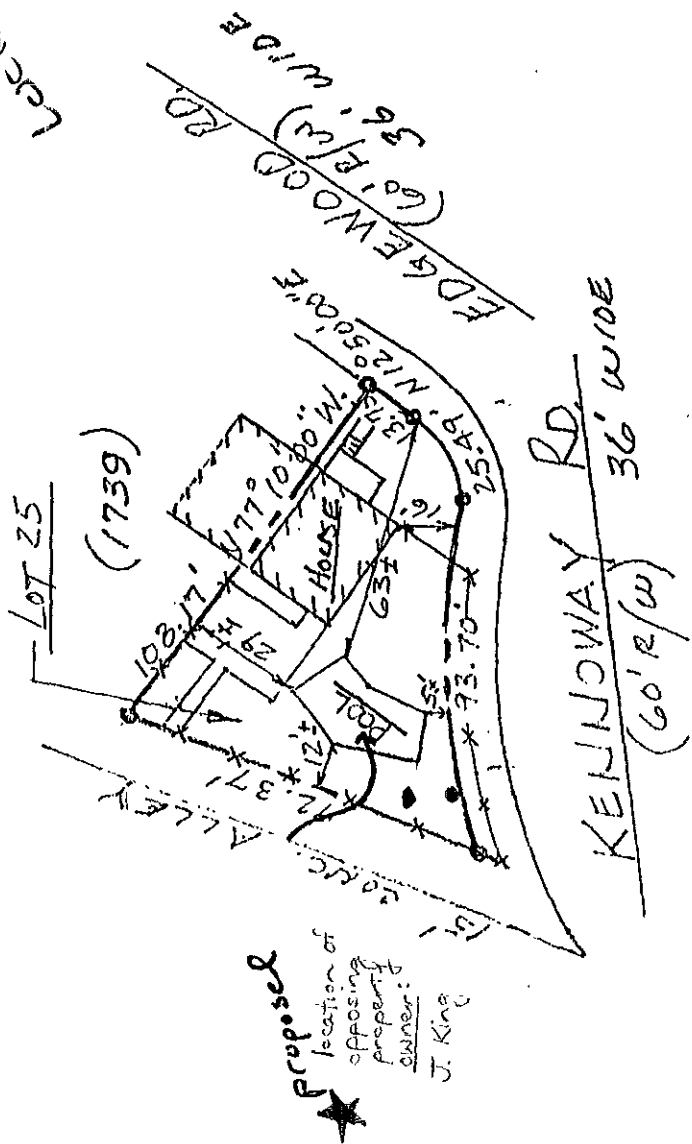
Zoning: DR 10.5
 Lot size: .153 acreage 666 square feet

SEWER: ☒ public ☐ private
 WATER: ☒ yes ☐ no
 Chesapeake Bay Critical Area: ☐ yes ☒ no
 Prior Zoning Hearings: none

Zoning Office USE ONLY!
 reviewed by: msk ITEM #: 29 CASE#:

PROPERTY ADDRESS: #1741 Edgewood Road
 Subdivision name: LOCH RAVEN VILLAGE
 plat book# 14, folio# 110, lot# 25, section# 4
 OWNER: GEORGE J. & EVA J. GUTHALL

PLAN TO ACCOMPANY HEARING



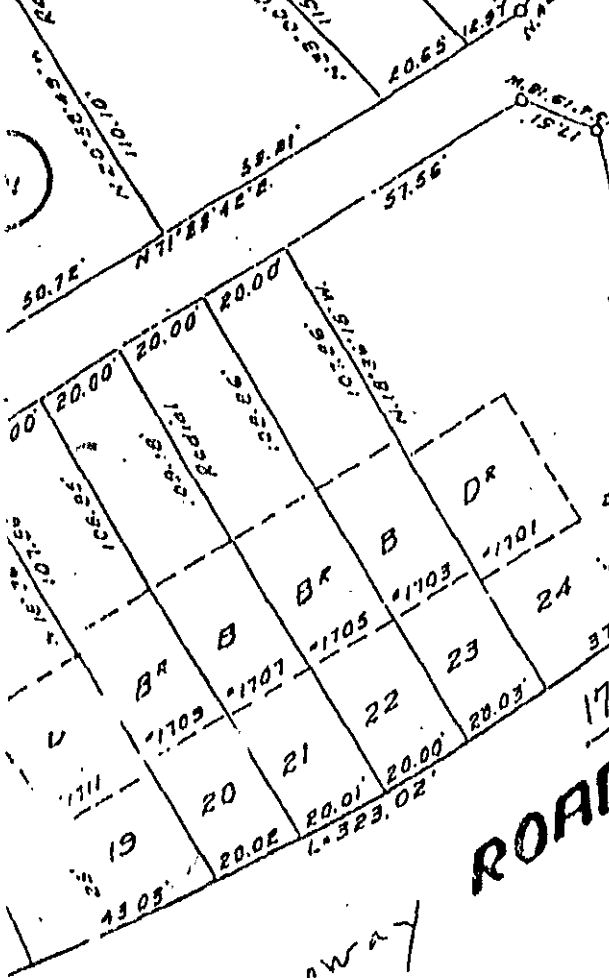
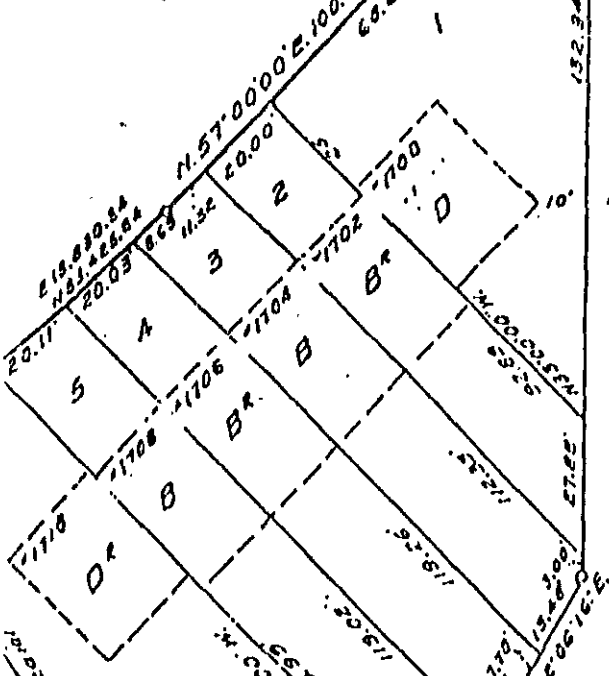
PETITIONER'S EXHIBIT 1 / 95-27-A



North
 date: 7/25/94
 prepared by: D.J.T. Scale of Drawing: 1"= 50'

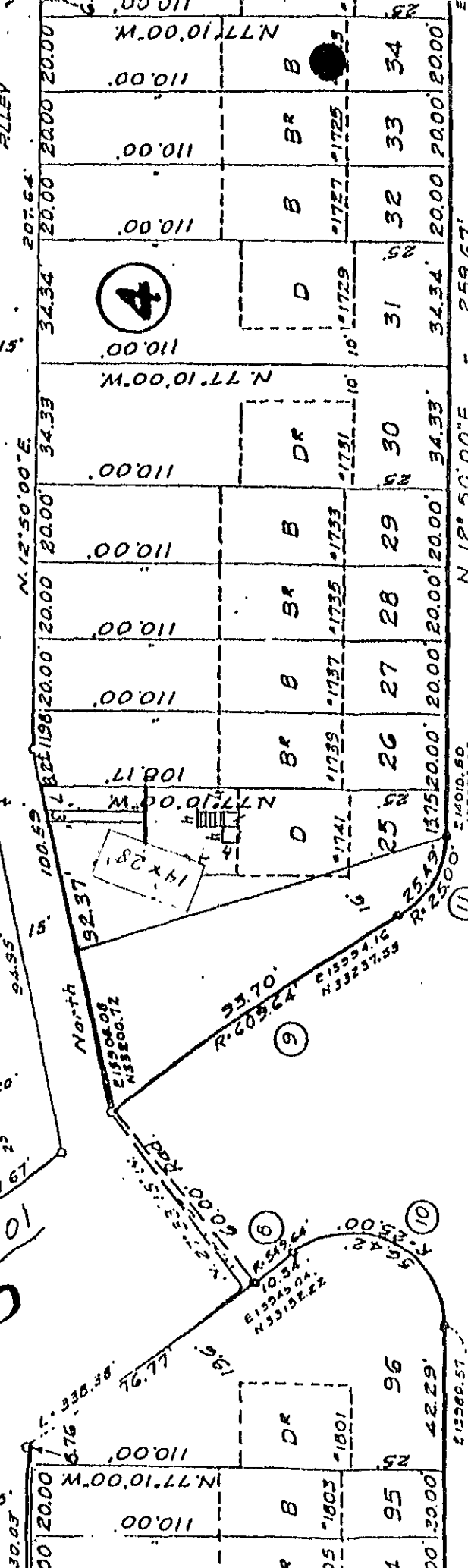
N. 57° 00' 00" E. 100.00'

ROAD



60' Kenneway

ROAD



Edge wood Road 60'

Scale 1" = 40 feet

12° 50' 00" E

259.67'

1741

1800

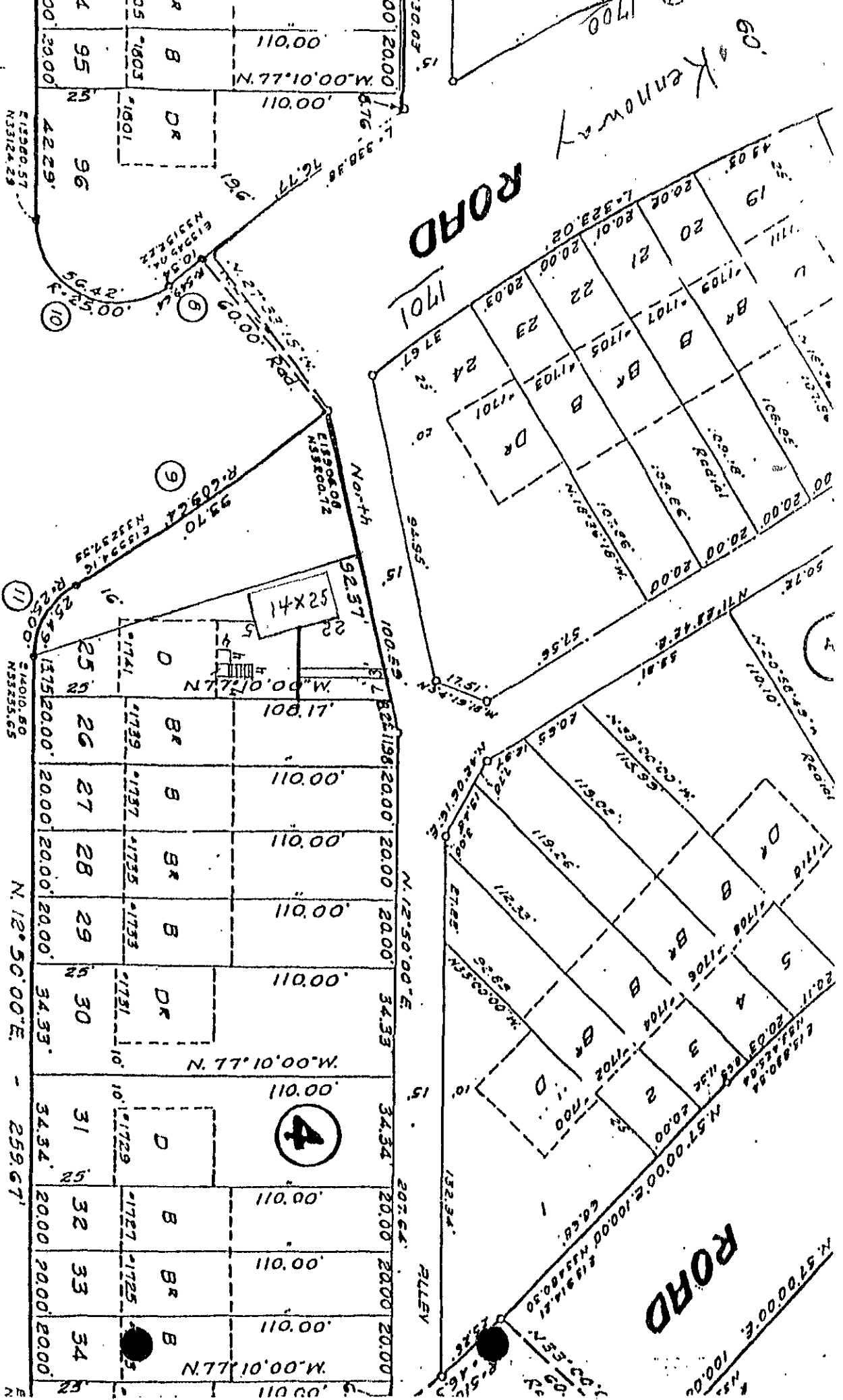
10A

Prot. Ex

ROAD

60' Kenneway

ROAD



Edgewood Road

Scale 1" = 40 feet

E140J 890

20.00 20.00

12° 50'

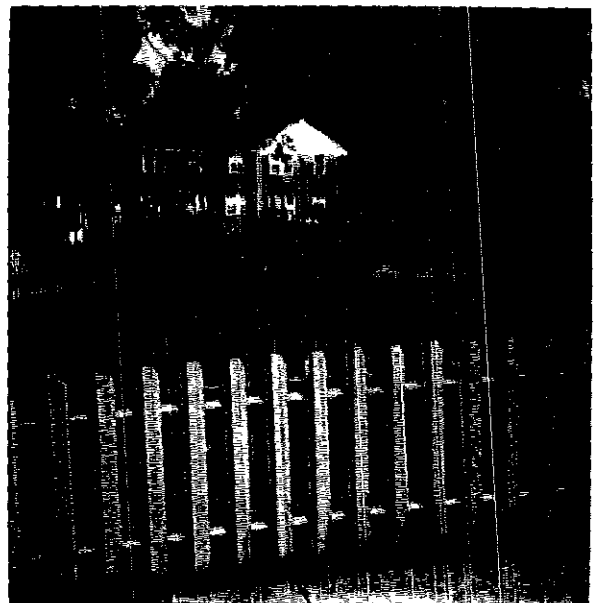
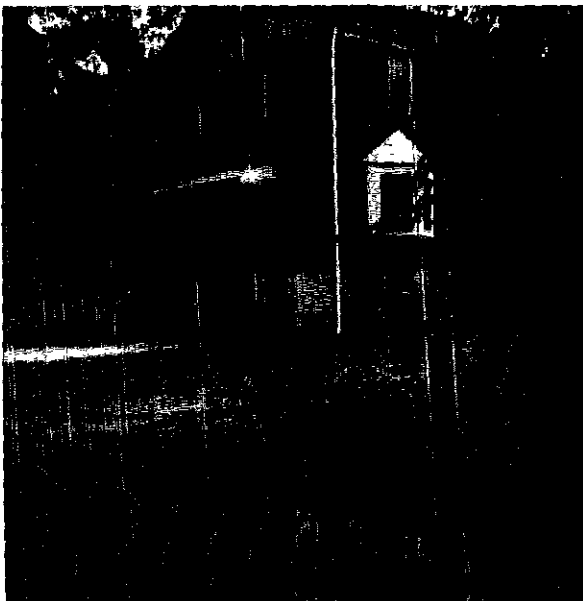
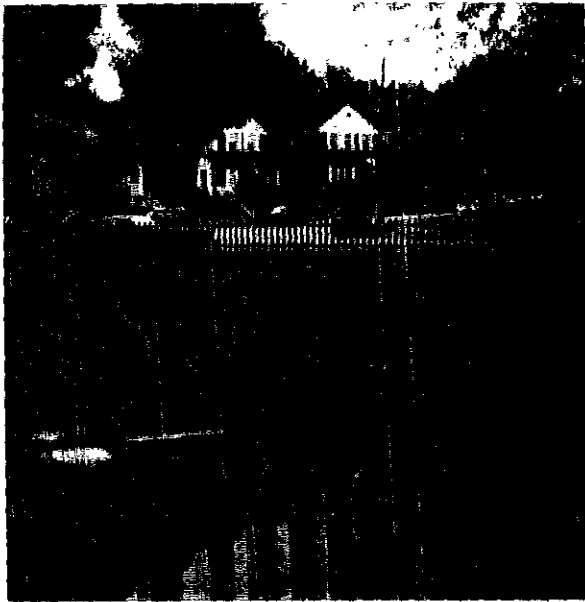
287

Prop. Ex.

24.33

26° 0' 20"

23° 20'



PETITIONER'S
EXHIBIT 2



Pet Ex 4A



Pet Ex 43





Pet Ex 4C



4D



4E

PETITION

We, the undersigned, hereby declare that we do not oppose the swimming pool setback variance shown on the attached site plan and requested by George and Eva Guthall for their property located at 1741 Edgewood Road which is the subject of Zoning Case No. 95-27-A.

Name:

Address:

JOHN J PASKO

1737 EDGEWOOD RD

BALTO MD 21234

Donna P. Pasko

1737 Edgewood Rd

BALTO. MD 21234

Laura Mathis

1801 Edgewood Rd

Balto. 21234

Jon Mathis

1801 Edgewood Rd

1805 Edgewood Rd

Janice Fitzpatrick

Balto Md. 21234

1805 Edgewood Rd

William Fitzpatrick

Balto Md 21234

James C. Nelder

1738 Edgewood Rd

Balto MD 21234

Name:

Address:

Philip E. Nolden

1738 EDGEWOOD RD.

Deann M. Kuhn

BALTO., MD. 21234

Will Guthall

1731 GLEN-RIDGE RD
BALTO, MD 21234

Libra C. B. Williams

8129 Clydebank RD

BALTO MD 21234

1850 Edgewood Rd

Balto. Md. 21234

Lillian A. Bosley

1735 Edgewood Rd.

Balto, MD 21234

David Bosley

1735 Edgewood Rd

Balto. MD 21234

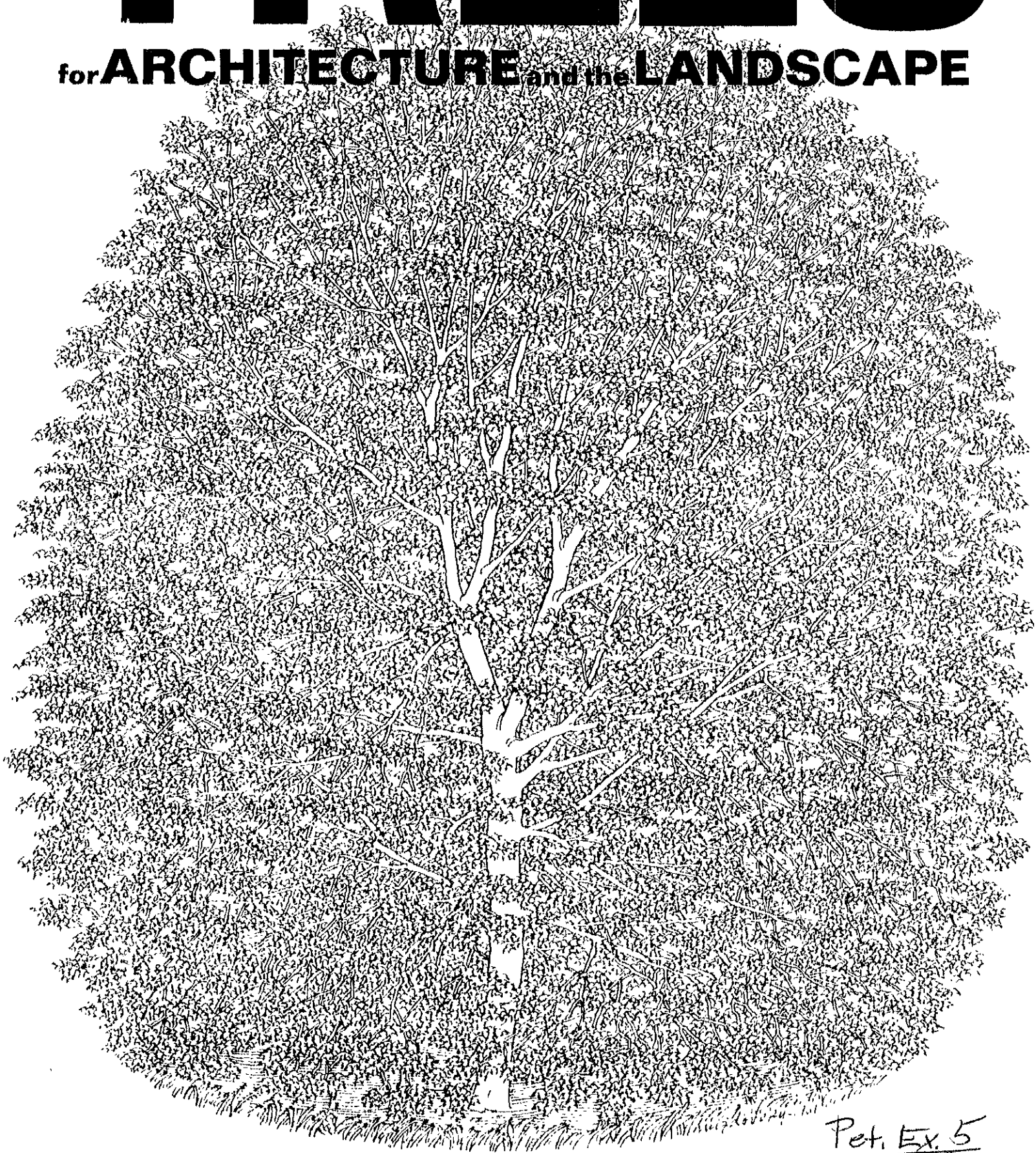
Archie Luttrell

8129 Barksdale Road

Balto. Md. 21286

TREES

for **ARCHITECTURE** and the **LANDSCAPE**



Robert L. Zion

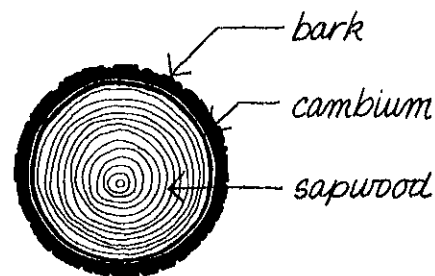
Pet. Ex. 5
CONDENSED EDITION

...porated through the ...
the amount taken in by the roots. If such an im-
balance does occur, nature intervenes by reducing
the evaporating surface of the tree — leaves wilt
and branches die. Man can anticipate this "die
back" by proper pruning or "cutting back" the
crown. But these are emergency measures. If we
understand the nature of the tree, we can usually
avoid the action which induces such reaction. Some-
times damage to the root system cannot be avoided
in the process of construction, especially during the
installation of underground utility lines. In such
cases it is imperative that this relationship of leaf
to root be kept in mind so proper steps may be
taken to prevent permanent damage.

Oxygen and bacteria also play a vital part in the
functioning of the tree and must be freely available
to the root system. It can, therefore, readily be
understood why a poor soil, lacking in these com-
ponents, will not support a healthy tree and, simi-
larly, why paving of the surface immediately above
the roots, compacting the soil by the use of heavy
equipment, flooding and waterlogging the area,
using clay or other non-porous fill, or in some other
way curtailing the supply of oxygen to the roots
are all likely to cause the death of a tree.

THE TRUNK

It is the trunk of the tree that carries the minerals
absorbed by the roots to the leaves, where they are
then converted into food.

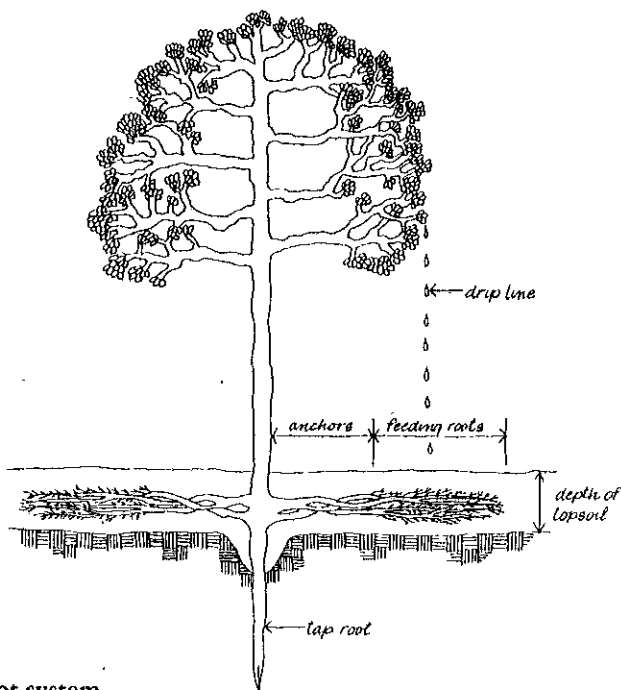


Trunk cross section.

Just beneath the bark of the trunk is a thin, pale-
green layer of tissues called the *cambium*, a "juicy
sleeve" which is responsible for the tree's growth.
The cambium is clearly the vital tissue of the tree: it
produces the sapwood or circulation system which
brings raw materials to the leaves and then trans-
ports the manufactured food to various parts of the
tree and in winter returns it to the trunk for stor-
age; the cambium also produces its own protective
covering, the bark, without which the tree would
be subject to the drying action of sun and wind,
and become a prey to insects. It is the internal pres-
sure of the growing cylinder of cambium that
causes the bark to crack and forms patterns char-
acteristic of each tree — the mottled sycamore, the
shaggy hickory, the peeling birch.

If a cut, only a fraction of an inch deep, girdles
the trunk and pierces the cambium it will destroy
the cambium, thereby killing the tree. However, a
vertical cut, no matter how long, will seldom be
fatal, for the unsevered portion of the cambium
continues to function. Since cambium heals in a
lateral direction only, a narrow vertical wound *six
feet long* will heal simultaneously along its entire
length in less time than a razor-like lateral cut only
six inches long. The depth of a wound is of little
importance after it has gone beyond the cambium.
A nail driven to the center of the trunk is no more
damaging than a quarter-inch nick with a pocket
knife which has merely pierced the cambium.

Armed with this basic information there should
be little doubt of the importance of keeping the
tree trunk free from abrasion by equipment or care-
less workmen, and from the excessive heat and the
consequent drying action of fires built too close to



Root system.

difficult for the layman to understand the problem. It has already been mentioned that some trees root closer to the surface than others; therefore the problem is more acute in the case of such species.

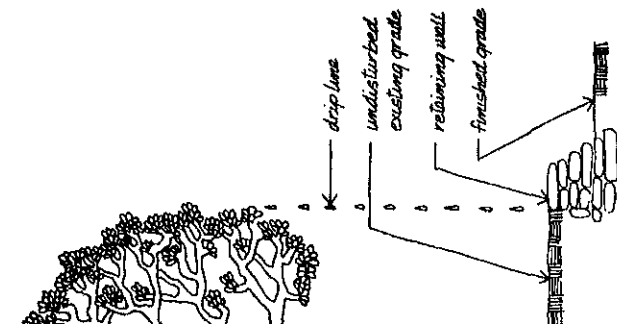
Applying information set forth earlier in Chapter 1, it is clear that if roots are removed in the process of lowering the soil cover, a corresponding amount of leaf surface must also be removed to maintain the balance of water absorbed and water evaporated. If the grade can be lowered gradually over a period of several years, and severe pruning accompanies each curtailment of the root system, it is possible to preserve trees that otherwise would not survive. The lowering of grade around a tree must always be done by hand, and under strict supervision — never by machine.

It is also possible to induce a tree to increase its fibrous root system at a lower level, but this requires at least one growing season. The tree should be trenched circumferentially to a depth of four feet at the drip-line. At the bottom of the trench, to a depth of two feet, a layer of well-rotted manure should be installed. The trench should then be refilled and thoroughly saturated at ten-day intervals throughout the growing season. This rich supply of food and moisture at a lower level will draw the roots downward. (See diagram.)

In the case of trees to be preserved in areas of cut, it is imperative that all roots that have been pruned be treated immediately with antiseptic paint and that the tree be thoroughly watered at ten-day intervals throughout the growing season.

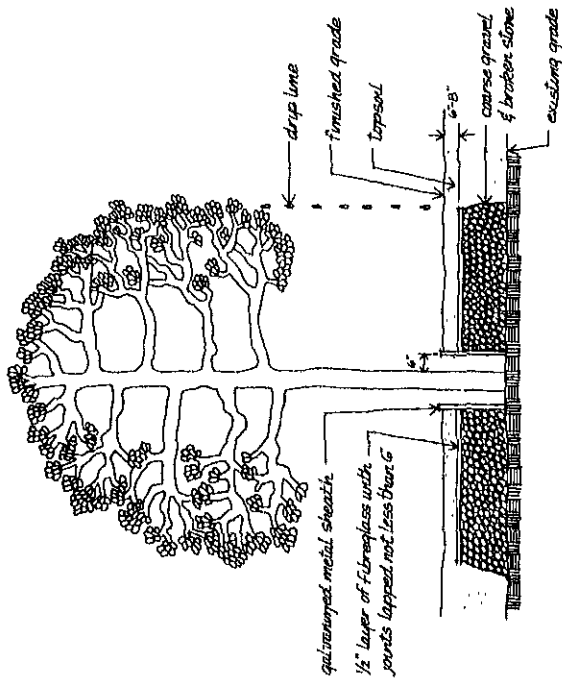
(2) Existing trees in area of fill

Increasing the depth of soil covering (fill) is more easily accomplished than lowering the level, since the problem is basically that of making certain that the supply of air and water to the root system is not substantially curtailed. A well created around the tree to the drip line will retain the natural soil in the area of the feeding fibrous roots, but this is not



Protected by a retaining wall.

An existing tree in fill protected by a well.



An existing tree in fill protected by coarse gravel.

difficult for the layman to understand the problem. It has already been mentioned that some trees root closer to the surface than others; therefore the problem is more acute in the case of such species.

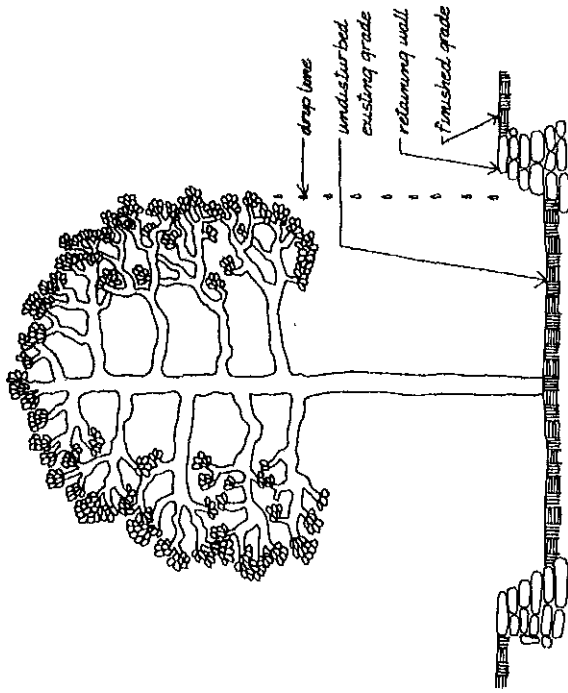
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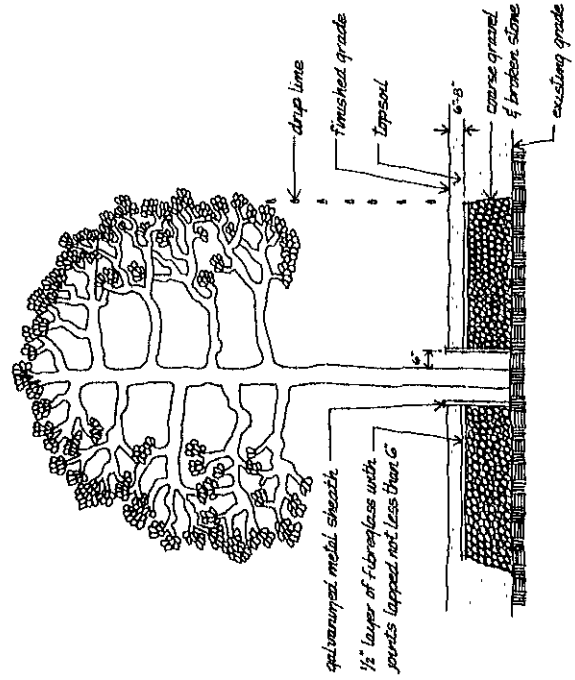
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(2) Existing trees in area of fill

Increasing the depth of soil covering (fill) is more easily accomplished than lowering the level, since the problem is basically that of making certain that the supply of air and water to the root system is not substantially curtailed. A well created around the tree to the drip line will retain the natural soil in the area of the feeding fibrous roots, but this is not

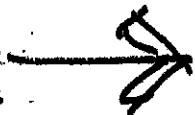


An existing tree in fill protected by a well.

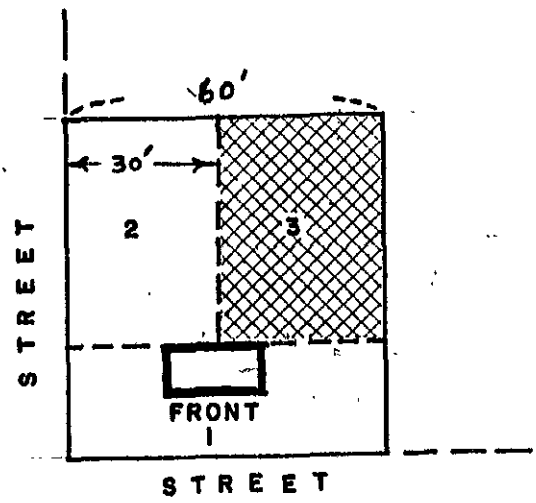


D-6 CORNER LOTS — PERMITTED ACCESSORY BUILDING OR USE LOCATION

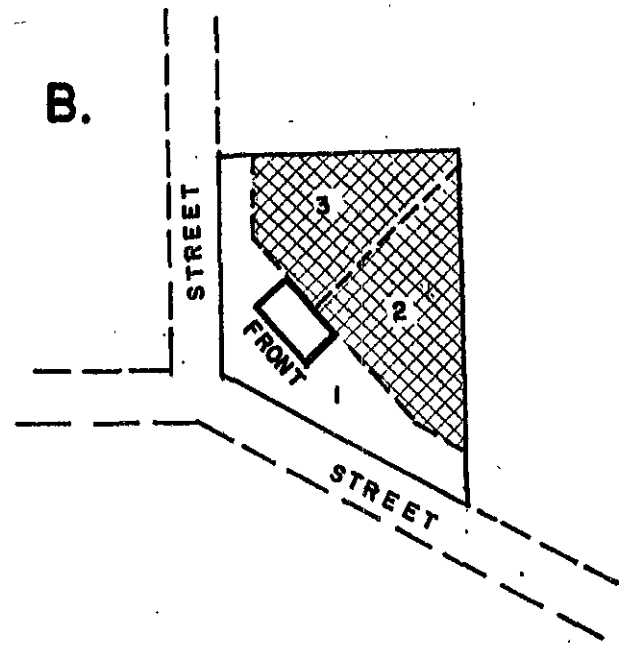
"Section 400.1- Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines....."



A.



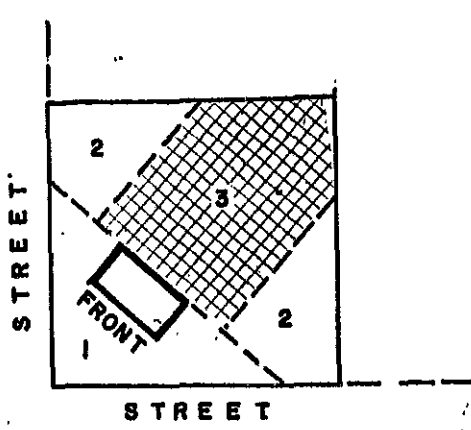
B.



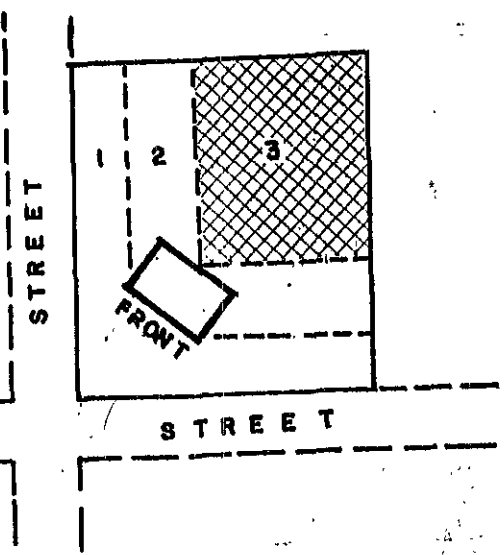
Permitted Location

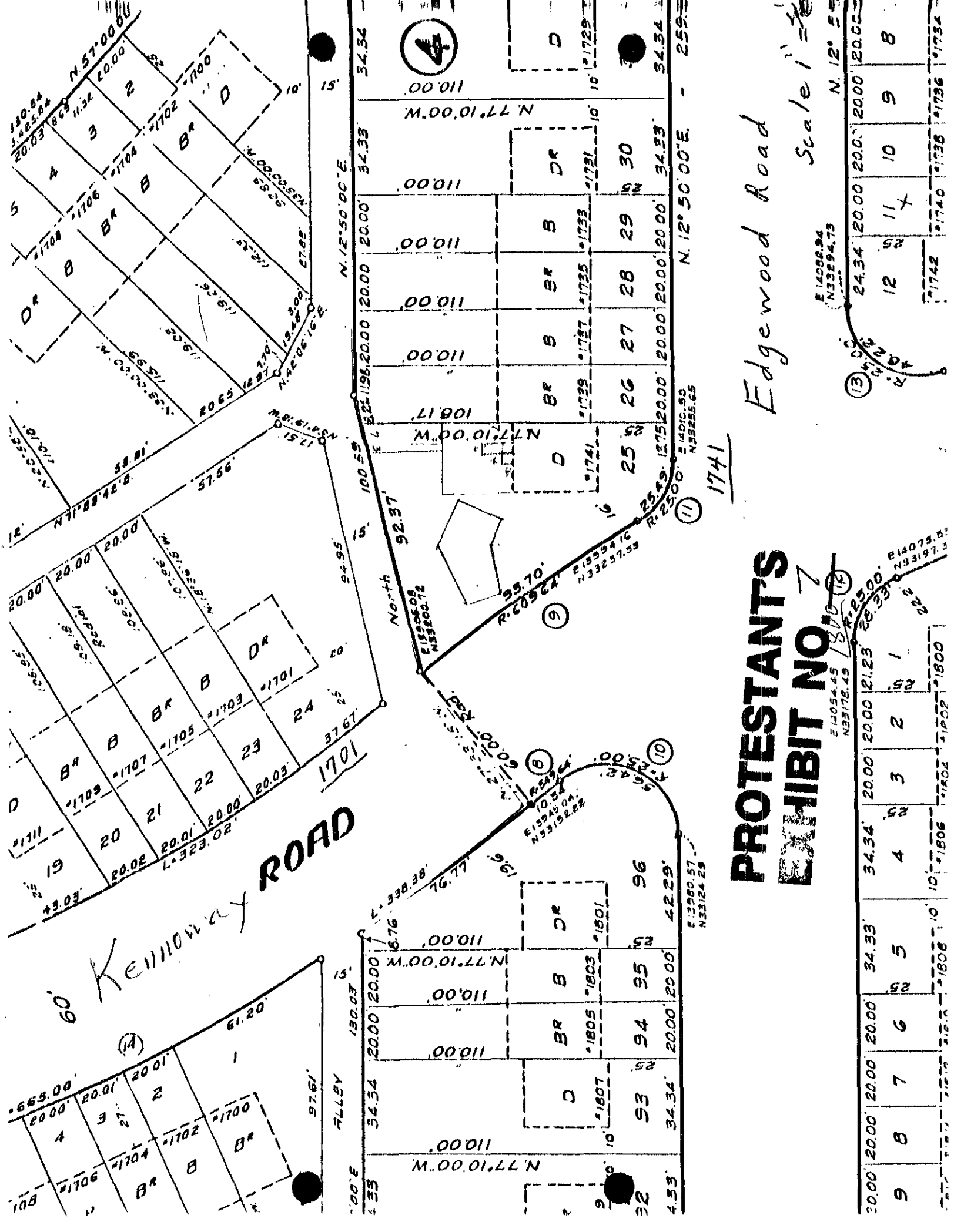


C.



D.





PROTESTANTS EXHIBIT NO. X6 11

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

<u>George J. Bernier Jr</u> Print Name	<u>1800 Edgewood Rd</u> Print Address
<u>George J. Bernier Jr</u> Signature	<u>661-6748</u> Phone Number
<u>Ann C. Bernier</u> Print Name	<u>1800 Edgewood Rd.</u> Print Address
<u>Ann C. Bernier</u> Signature	<u>661-6748</u> Phone Number
<u>John L. Palmere</u> Print Name	<u>1810 Edgewood Rd</u> Print Address
<u>John L. Palmere</u> Signature	<u>661 0820</u> Phone Number
<u>Laura L. Burns-Bosen</u> Print Name	<u>1740 Glen Ridge Rd</u> Print Address
<u>Laura L. Burns-Bosen</u> Signature	<u>668-1053</u> Phone Number
<u>THURMAN J. ORDWAY</u> Print Name	<u>1707 KENNOWAY RD</u> Print Address
<u>Thurman J. Ordway</u> Signature	<u>410-661-0541</u> Phone Number
<u>CARMELO E. MICELI</u> Print Name	<u>1705 KENNOWAY RD</u> Print Address
<u>Carmelo E. Miceli</u> Signature	<u>661-4838</u> Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

Barbara M. Tilghman
Print Name

1734 Edgewood Rd 21234
Print Address

Barbara M. Tilghman
Signature

668-3024
Phone Number

J. Michael Young
Print Name

1734 Edgewood Rd
Print Address

J. Michael Young
Signature

668-3024
Phone Number

Joseph W. King
Print Name

1701 Kennoway Rd
Print Address

Joseph W. King
Signature

661-1752
Phone Number

Dorothy B King
Print Name

1701 Kennoway Rd.
Print Address 21234

Dorothy B. King
Signature

661-1752
Phone Number

PAUL J. YANNEY
Print Name

1733 EDGEWOOD Rd
Print Address

Paul J. Yanney
Signature

661-5432
Phone Number

Anna Yanney
Print Name

1733 Edgewood Rd.
Print Address

Anna Yanney
Signature

661-5432
Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

MARY C. BANDELL

Print Name

Mary C. Bandell

Signature

1720 EDGEWOOD RD.

Print Address

661-9181

Phone Number

Frances Fentitta

Print Name

Frances Fentitta

Signature

1820 Edgewood Rd.

Print Address

665-5426

Phone Number

KATHERINE A. DYER

Print Name

Kath A Dyer

Signature

1703 Kennoway Rd

Print Address

665-0706

Phone Number

DOROTHY A. ORDWAY

Print Name

Dorothy A. Ordway

Signature

1707 KENNOWAY Rd.

Print Address

661-0541

Phone Number

FRANCES DELGADO

Print Name

Frances Delgado

Signature

1709 KENNOWAY Rd

Print Address

661-0755

Phone Number

MARIAN B. HOLMES

Print Name

Marian B. Holmes

Signature

1751 Glen Ridge Rd

Print Address

661-0299

Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

Charlotte A. Simmons

Print Name

Charlotte A. Simmons

Signature

8427 Greenway Rd.

Print Address

410. 882. 8390

Phone Number

Glenn W. Simmons

Print Name

Glenn W. Simmons

Signature

8427 Greenway Rd

Print Address

410 - 882 - 8390

Phone Number

Donna Collier

Print Name

Donna Collier

Signature

8425 Greenway Road

Print Address

410 661-8977

Phone Number

Gabriel CASTRO

Print Name

G. CASTRO

Signature

8429 Greenway Road

Print Address

668 - 4270

Phone Number

Print Name

Print Address

Signature

Phone Number

Print Name

Print Address

Signature

Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

THOMAS A BESSENT

Print Name

Thomas A BesSENT

Signature

1715 KENNEDY ROAD

Print Address

661-0853

Phone Number

JULIA McLaughlin

Print Name

Julia A. McLaughlin

Signature

8431 GREENWAY RD.

Print Address

661-9826

Phone Number

ALBERT G MORAN

Print Name

Albert G. Moran

Signature

1731 EDGEWOOD RD

Print Address

661-1971

Phone Number

Bettie C. MORAN

Print Name

Bettie C. Moran

Signature

1731 Edgewood Rd

Print Address

661-1971

Phone Number

~~JAMES Cunningham~~

~~Print Name~~

~~[Signature]~~

~~Signature~~

~~1743 Glen Ridge Rd~~

~~Print Address~~

~~661-4306~~

~~Phone Number~~

EVELYN E. JAMES

Print Name

Evelyn E. James

Signature

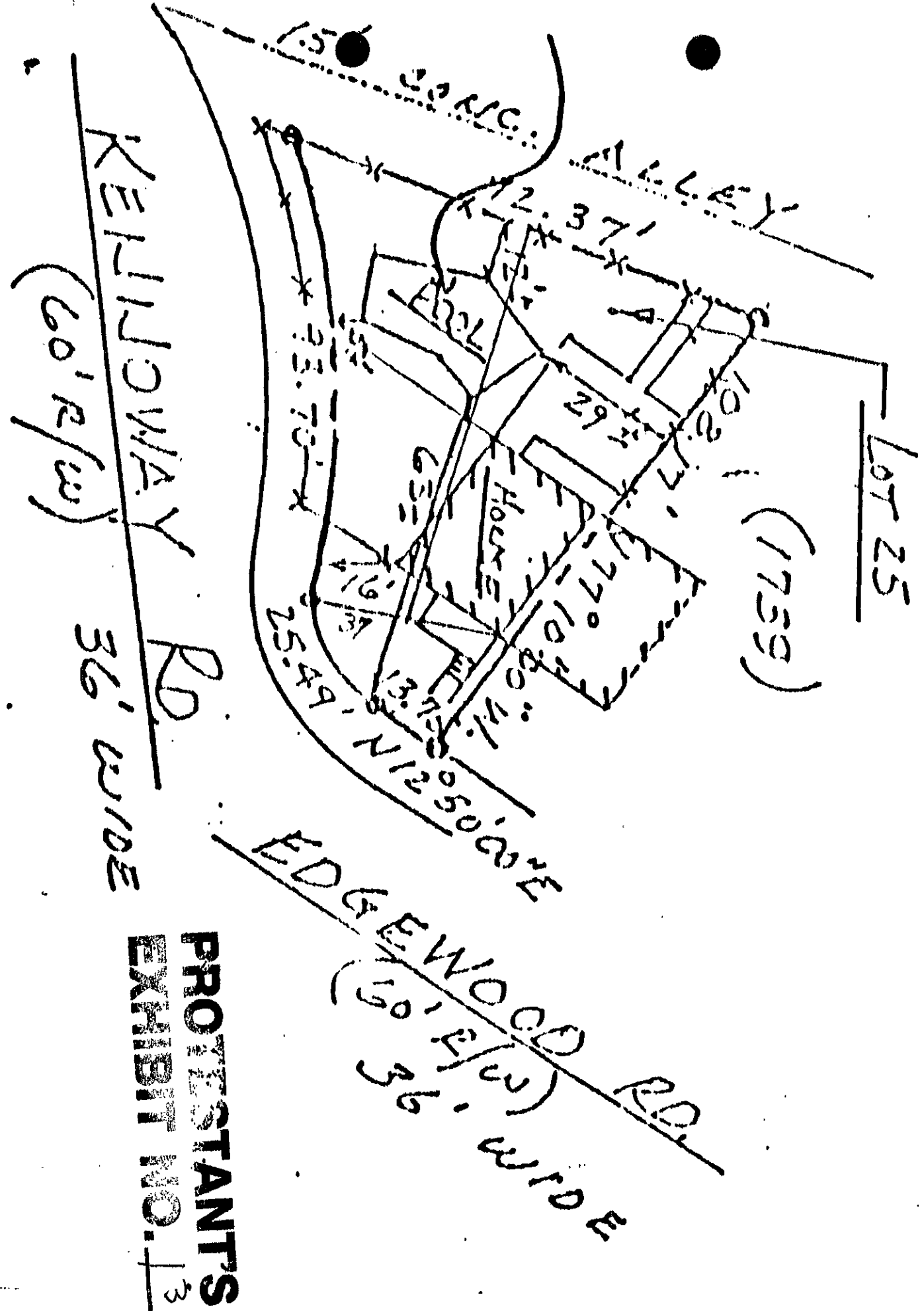
8433 Greenway

Print Address

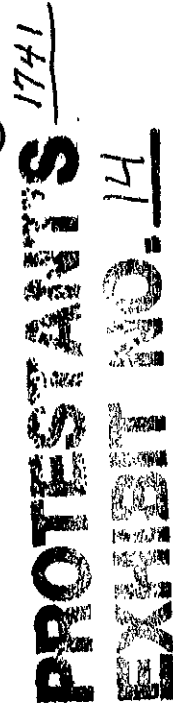
661-1532

Phone Number

1/2 Concept - See 400.1.d.



PROTESTANTS
EXHIBIT NO. 13



Edgewood Road

Scale $i' = 40$

[illegible]

24.34	20.00	20.00	20.00	20.00
12	11	10	9	8

PROTESTANT'S EXHIBIT NO. 16

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

<u>George J. Bernier Jr.</u> Print Name	<u>1800 EDGEWOOD RD</u> Print Address
<u>George J. Bernier Jr.</u> Signature	<u>661-6748</u> Phone Number
<u>Ann C. Bernier</u> Print Name	<u>1800 Edgewood Rd.</u> Print Address
<u>Ann C. Bernier</u> Signature	<u>661-6748</u> Phone Number
<u>John L. Palmere</u> Print Name	<u>1810 Edgewood Rd</u> Print Address
<u>John L. Palmere</u> Signature	<u>661 0820</u> Phone Number
<u>Julia L. Burns-Bosch</u> Print Name	<u>1740 Glen Ridge Rd</u> Print Address
<u>Julia L. Burns-Bosch</u> Signature	<u>668-1050</u> Phone Number
<u>THURMAN J. ORDWAY</u> Print Name	<u>1707 KENNOWAY RD</u> Print Address
<u>Thurman J. Ordway</u> Signature	<u>410-661-0541</u> Phone Number
<u>CARMELA E. MICELI</u> Print Name	<u>1705 KENNOWAY RD</u> Print Address
<u>Carmela E. Miceli</u> Signature	<u>661-4838</u> Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

Barbara M. Tilghman
Print Name

1734 Edgewood Rd 21234
Print Address

Barbara M. Tilghman
Signature

668-3024
Phone Number

J. Michael Young
Print Name

1734 Edgewood Rd
Print Address

J. Michael Young
Signature

668-3024
Phone Number

Joseph W. King
Print Name

1701 Kennoway Rd
Print Address

Joseph W. King
Signature

661-1752
Phone Number

Dorothy B. King
Print Name

1701 Kennoway Rd.
Print Address 21234

Dorothy B. King
Signature

661-1752
Phone Number

PAUL J. YANNEY
Print Name

1733 EDGEWOOD Rd
Print Address

Paul J. Yanney
Signature

661-5432
Phone Number

Anna Yanney
Print Name

1733 Edgewood Rd.
Print Address

Anna Yanney
Signature

661-5432
Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

MARY C. BANDELL

Print Name

Mary C. Bandell

Signature

1720 EDGEWOOD RD.

Print Address

661-9181

Phone Number

Frances Fentitta

Print Name

Frances Fentitta

Signature

1820 Edgewood Rd.

Print Address

665-5426

Phone Number

KATHERINE A. DYER

Print Name

Kath A Dyer

Signature

1703 Kennoway Rd

Print Address

665-0706

Phone Number

Dorothy A. Ordway

Print Name

Dorothy A. Ordway

Signature

1707 KENNOWAY Rd.

Print Address

661-0541

Phone Number

FRANCES DELGAVIO

Print Name

Frances DelGaudio

Signature

1709 KENNOWAY Rd

Print Address

661-0755

Phone Number

MARIAN B. HOLMES

Print Name

Marian B. Holmes

Signature

1751 Glen Ridge Rd

Print Address

661-0299

Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

THOMAS A BESSENT

Print Name

Thomas A BesSENT

Signature

1715 KENNEDYWAY ROAD

Print Address

661-0853

Phone Number

JULIA McLAUGHLIN

Print Name

Julia A. McLaughlin

Signature

8431 Greenway Rd,

Print Address

661-9826

Phone Number

ALBERT G MORAN

Print Name

Albert G. Moran

Signature

1731 EDGEWOOD RD

Print Address

661-1971

Phone Number

Bettie C. MORAN

Print Name

Bettie C. Moran

Signature

1731 Edgewood Rd

Print Address

661-1971

Phone Number

~~JAMES CUNNINGHAM~~

~~Print Name~~

~~[Signature]~~

~~Signature~~

~~1743 Glen Ridge Rd~~

~~Print Address~~

~~661-4306~~

~~Phone Number~~

EVELYN E. JAMES

Print Name

Evelyn E. James

Signature

8433 Greenway

Print Address

661-1532

Phone Number

P E T I T I O N

We the undersigned legal owners, who reside within 1000 feet of 1741 Edgewood Road in Loch Raven Village, hereby protest the granting of a variance to permit an accessory structure (Pool) in the third of the lot closest removed from any street in lieu of the farthest third.

Re: Case #95-27-A

Charlotte A. Simmons

Print Name

Charlotte A. Simmons

Signature

8427 Greenway Rd.

Print Address

410. 882-8390

Phone Number

Glenn W. Simmons

Print Name

Glenn W. Simmons

Signature

8427 Greenway Rd

Print Address

410-882-8390

Phone Number

Donna Collier

Print Name

Donna Collier

Signature

8425 Greenway Road

Print Address

410 661-8977

Phone Number

Gabriel CASTRO

Print Name

G. Castro

Signature

8429 Greenway Road

Print Address

668-4270

Phone Number

Print Name

Print Address

Signature

Phone Number

Print Name

Print Address

Signature

Phone Number

RESOLUTION ADOPTED BY MEMBERSHIP OF
ASSOCIATES OF LOCH RAVEN VILLAGE, INC.

At the annual meeting of the Membership of the Associates of Loch Raven Village, Inc., duly called in accordance with its Bylaws, held on April 12, 1994 it being the first general meeting of the Membership of the Associates of Loch Raven Village, Inc. in the year 1994 the following resolution was adopted:

RESOLVED, that the responsibility for review and action on all zoning matters be, and the same hereby is, placed in the Board of Directors; and

IT IS FURTHER RESOLVED that the Board of Directors are hereby authorized to further delegate the authority hereby granted to the standing zoning committee or such other special committee as the Board, in its discretion, shall constitute; and

BE IT FURTHER RESOLVED, that the Board of Directors is hereby authorized to take such further action as may be necessary, from time to time, to meet the requirements of the Rules of Practice and Procedure of the County Board of Appeals, specifically Rule 8 thereof.

Associates of Loch Raven Village, Inc., a body corporate of the State of Maryland, hereby certifies that the foregoing is a full, true and correct copy of the Resolution unanimously adopted by its membership at the annual meeting held on April 12, 1994.

IN WITNESS WHEREOF, the said Corporation has caused this certificate to be signed by its President and attested by its Secretary, this 12th day of April, 1994.

ATTEST:

Marian B. Holmes
Secretary

[Signature] 4/12/94
President

18:11:11 22 MAR 96

COUNTY BOARD OF APPEALS

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Associates of Loch Raven Village, Inc. ~~Association.~~

ATTEST:

Associates of Loch Raven Village, Inc. ~~Association.~~

Marian B. Holmes
Secretary Marian B. Holmes

Frank K. Stromyer
President Frank K. Stromyer

DATE: March 21, 1995

Associates of Loch Raven Village, Inc. ~~XXXXXXXXXX~~

RESOLVED: That the position of the Associates of Loch Raven Village, Inc. ~~XXXXXXXXXX~~ as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:
PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Edgewood Road and Kennoway Road
(1741 Edgewood Road) 9th Election District - 4th Councilmanic District
George J. Guthall, et ux - Petitioners
Case No. 95-27-A
is that:

The Zoning Regulation Sec. 400.1 applying to
"Accessory Buildings in Residence Zones" be strictly
enforced and the request for a variance be
denied. We do not object to a swimming pool, only
where it is located.

AS WITNESS OUR HANDS AND SEAL THIS 21st day of
March, 19 95.

ATTEST:

Associates of Loch Raven Village, Inc. ~~XXXXXXXXXX~~

Marian B. Holmes
Secretary Marian B. Holmes

[Signature]
President Fran K Stromyer

ROAD

ROAD

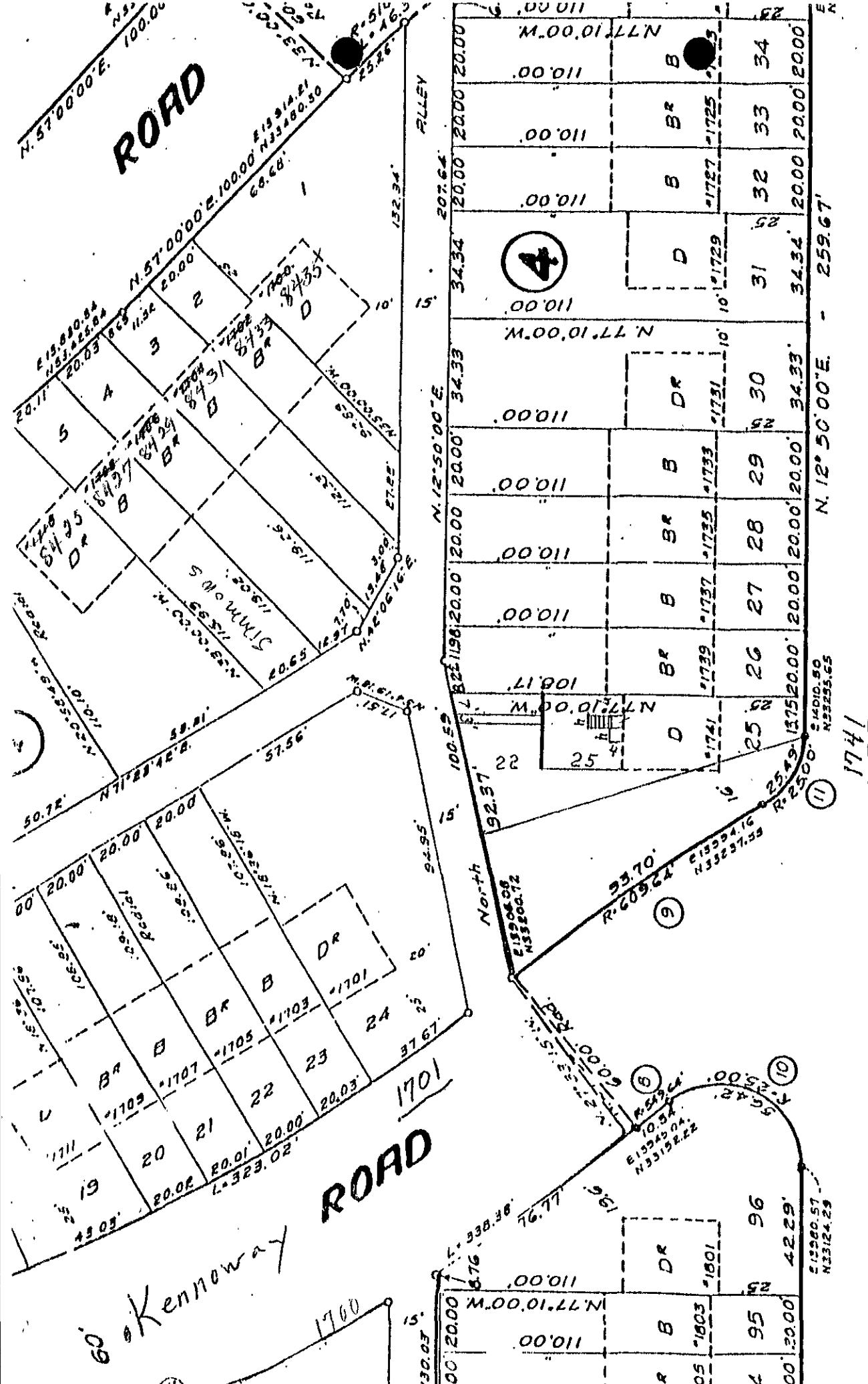
60' Kenneway

Prot. Ex. 6

Edge wood Road 60.

Scale 1" = 40 Feet

54.33'	34.34'	20.00'	20.00'	287'	34.34'
12° 50' 00" E.	20.00'	34.33'	20.00'	287'	34.34'
12° 50' 00" E.	20.00'	34.33'	20.00'	287'	34.34'



EX. 3' HIGH FENCE TO BE REPLACED
W/6' HIGH WOOD PRIVACY FENCE
BY OWNER

RELOCATED OVERHEAD ELEC. LINE

POOL
16'X36'

EX. PATIO
TO BE REMOVED
& REDESIGNED

HOUSE

N77°10'00"W

PATIO

HOUSE

64'

13.75'

25.49'

92.37'

93.70'

15' WIDE CONC. ALLEY

EDGEWOOD

ACCESS

KENNOWAY

RD.

36' WIDE MAC.

60'R/W

SITE PLAN

SCALE: 1"= 20'

1741 EDGEWATER ROAD
BALTIMORE COUNTY, MD. 21234

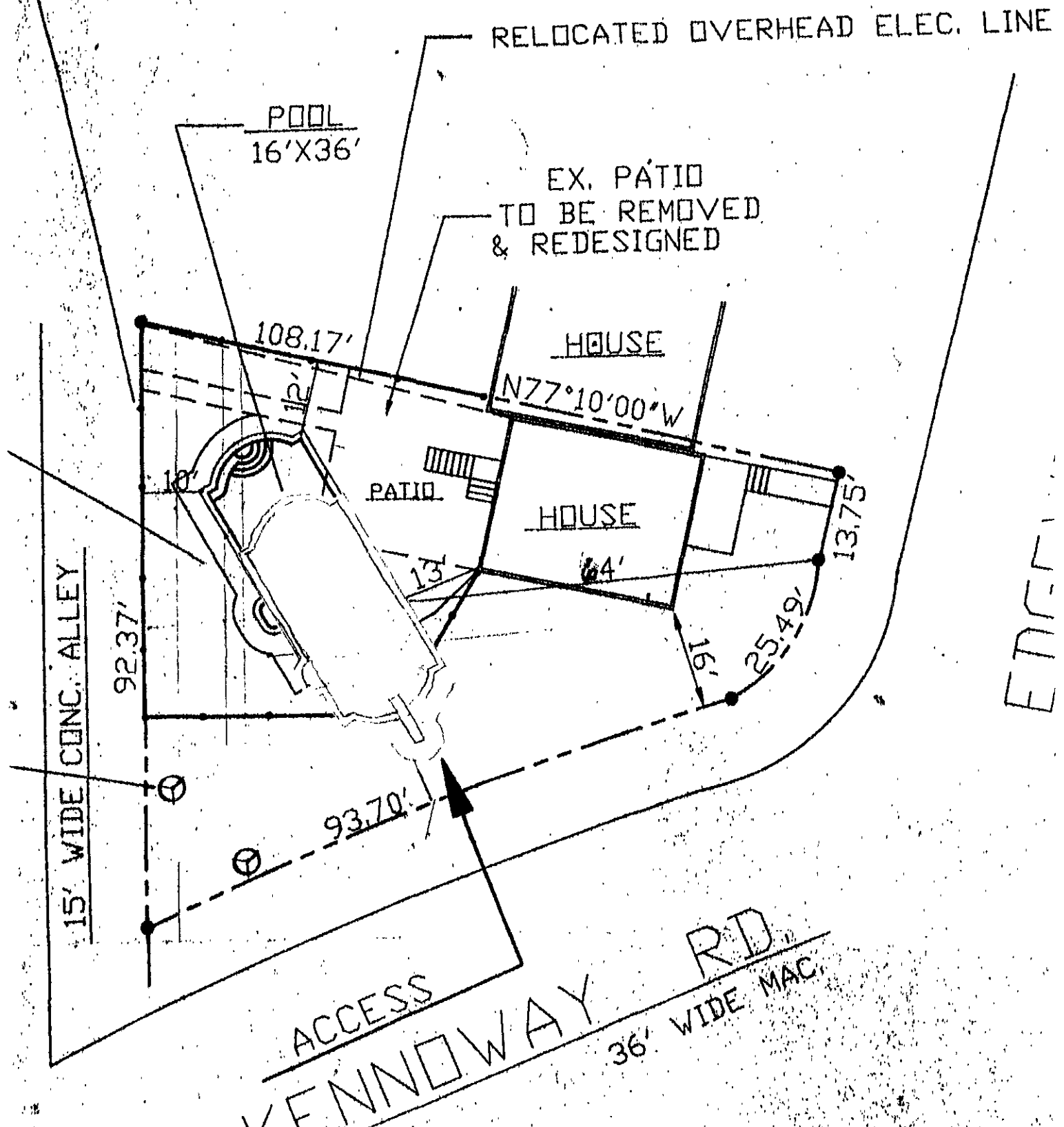
LOCH RAVEN VILLAGE

LOT 25, SECTION 4,
PLAT BOOK 14, FOLIO 110

Prot. Ex. 7

Prot. Ex. 8

EX. 3' HIGH FENCE TO BE REPLACED
W/ 6' HIGH WOOD PRIVACY FENCE
BY OWNER

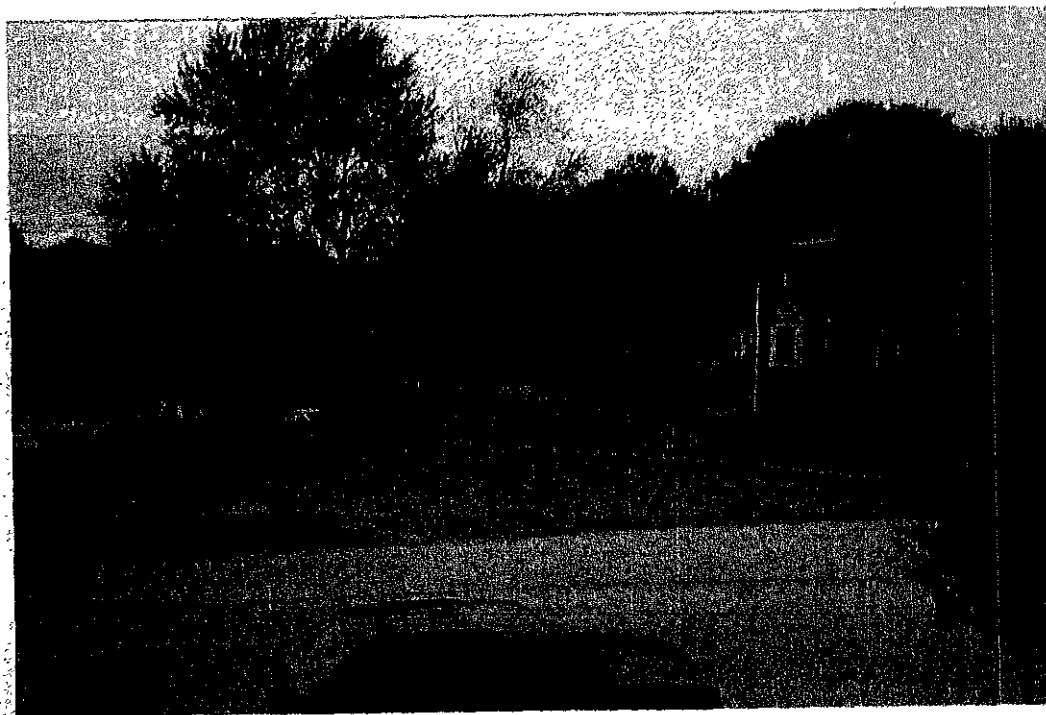


71

Inter section of Edgewood Rd + Kenneway Rd.
(taken from Glenwood Rd.)

1741 Edgewood Rd

1800
Edgewood
Rd.



View of side of 1741 Edgewood Rd. from
1800 Edgewood Rd.

PROTESTANTS
EXHIBIT NO. 8

58

West of proposed pool site from alley
behind 1741 Edgewood Rd.



view of proposed pool site from Kennaway Rd.

PROTESTANTS
EXHIBIT NO. 2

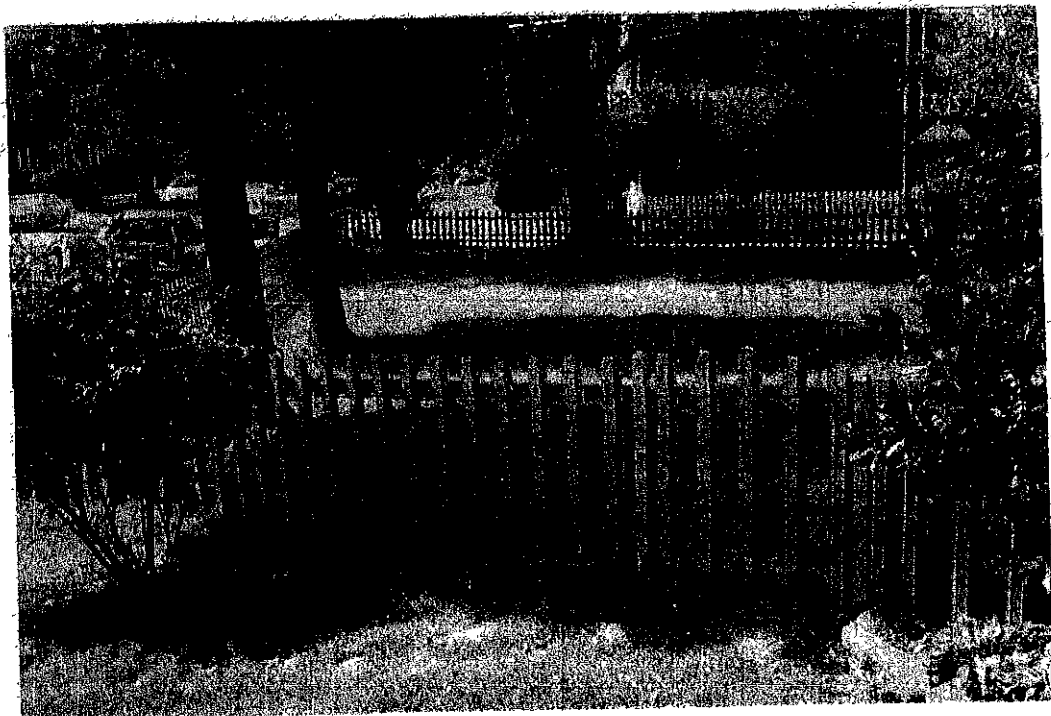
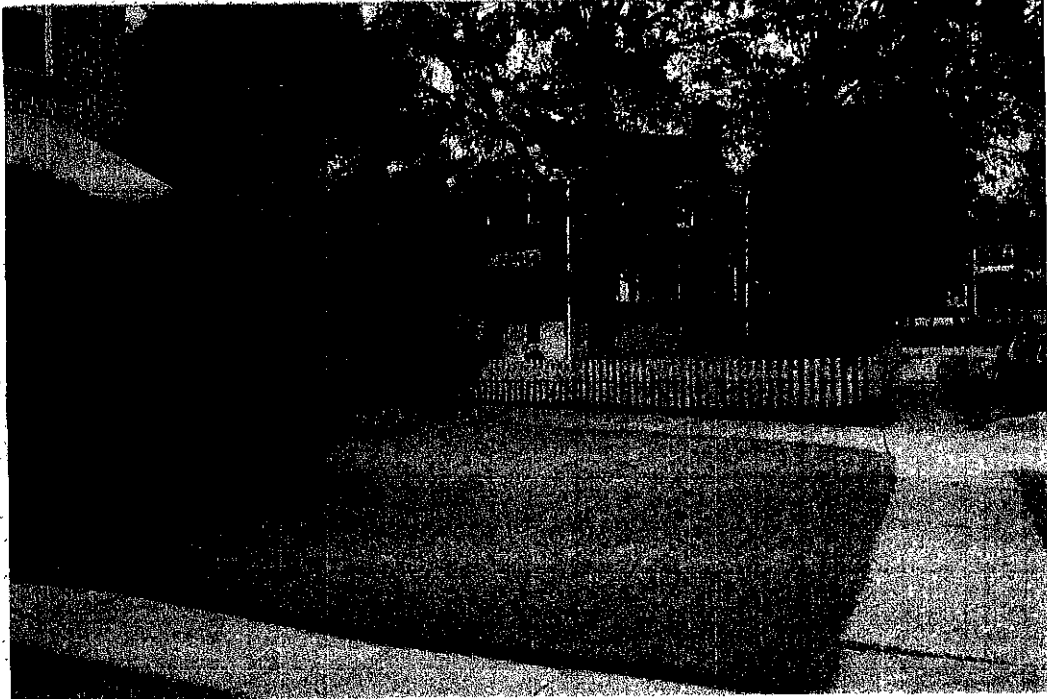
2/6/80

#3

View of proposed pool site showing how far it extends beyond the front wall of 1701 Kennonway Rd

1741 Edgewood Rd

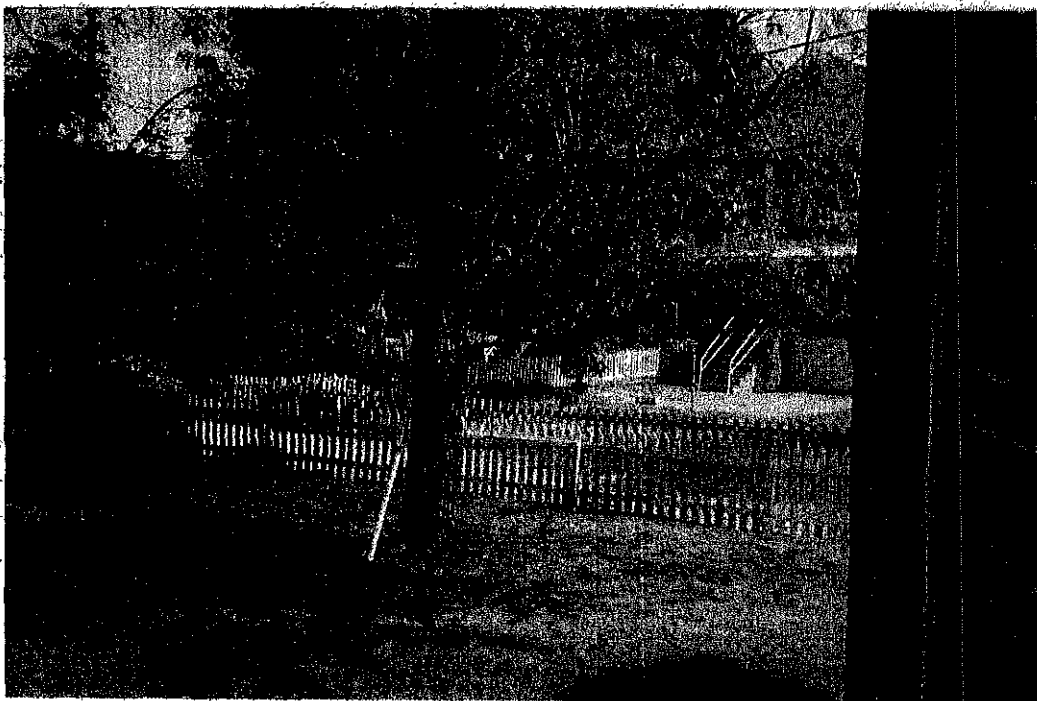
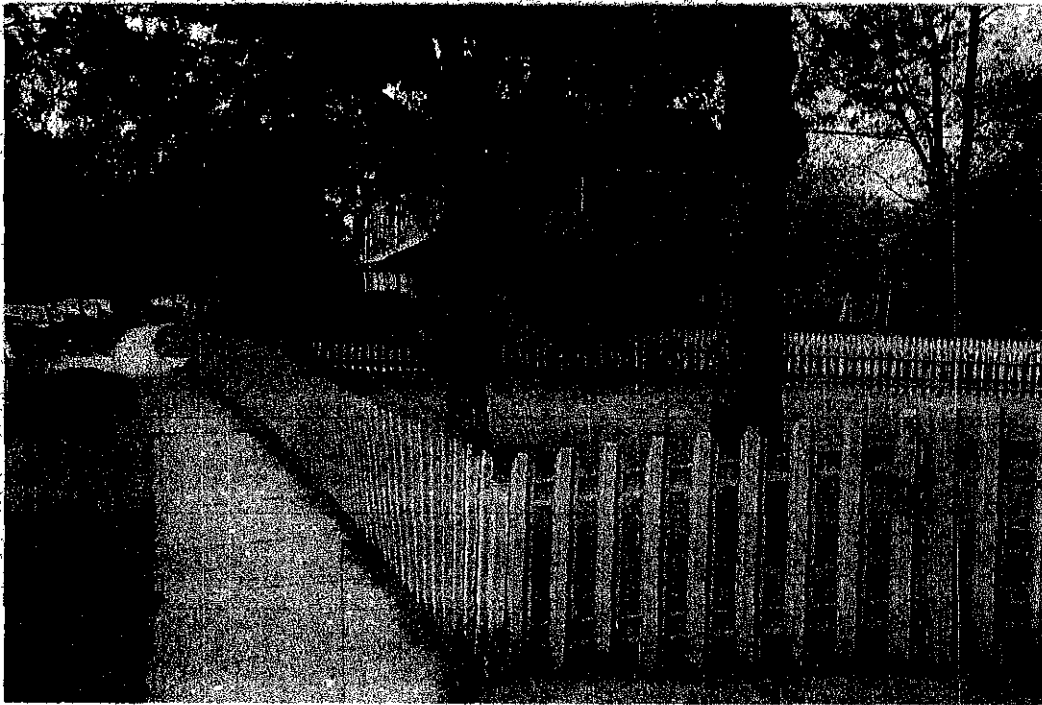
1701
Kennon-
way
Rd



View of proposed pool site showing its proximity to the front and side of 1701 Kennonway Rd

PROTESTANT'S
LETTER TO J.C.

9/11
Proposed pool site showing boundary line
of 1701 Kennoway Rd.

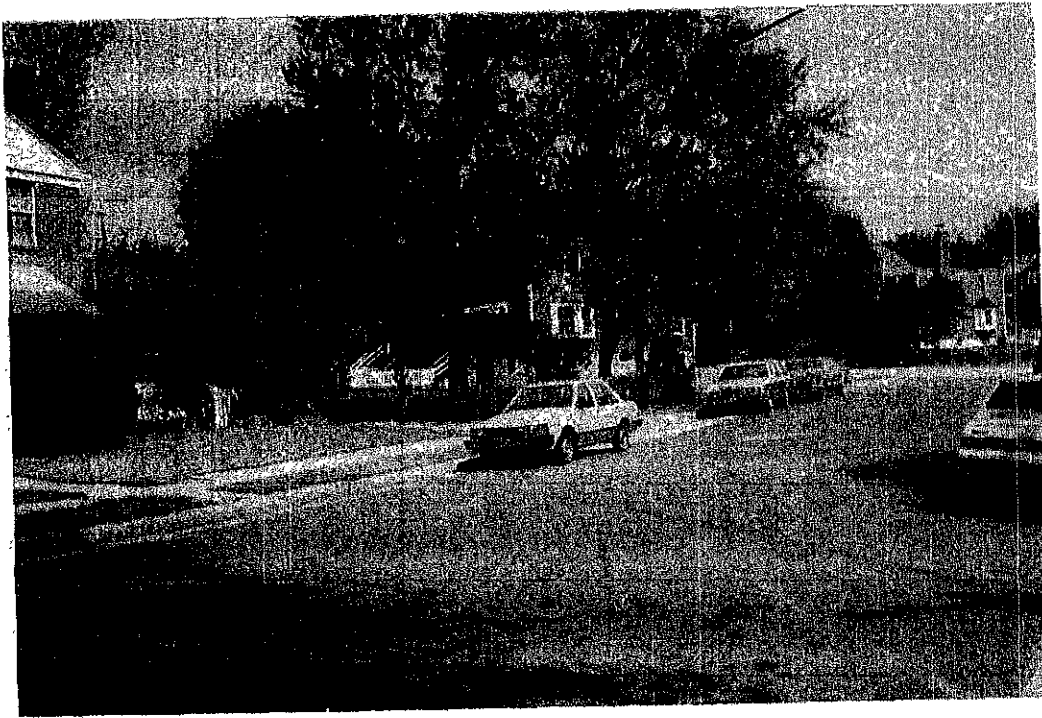


View of back of 1741 Edgewood Rd.
Taken from rear wall of 1701 Kennoway Rd.

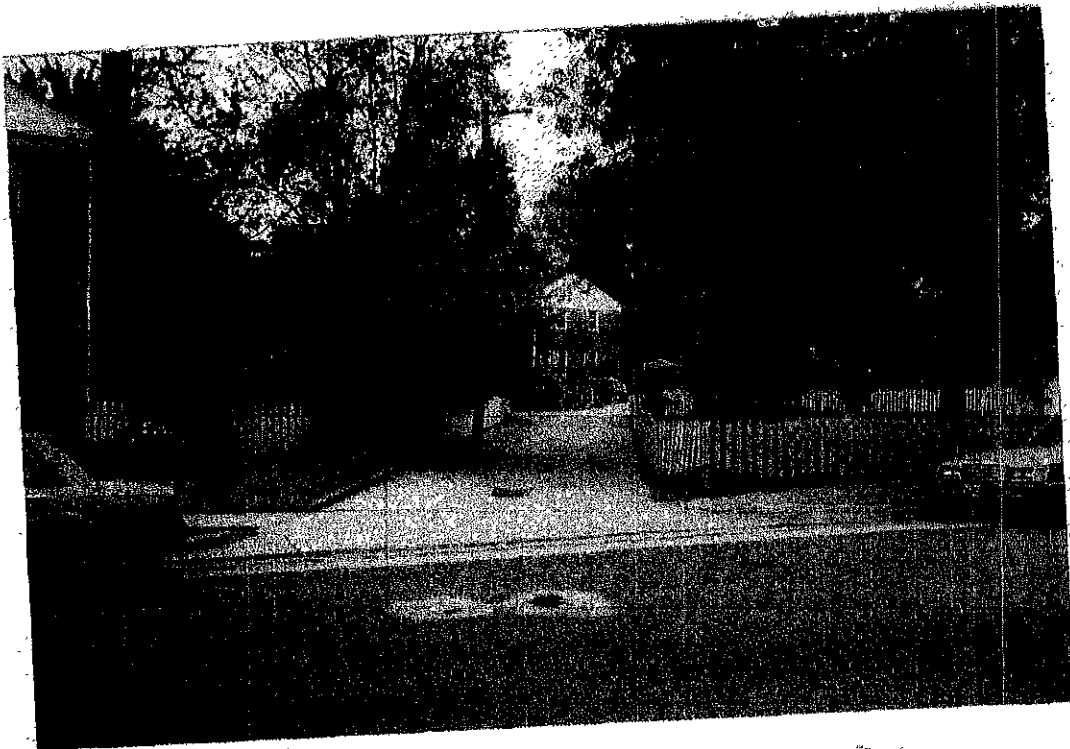
PROTESTANT'S
EXHIBIT NO. 16

View of side and back of 1741 Edgewood Rd.
From Kenney Rd.

1701
Kenney
Rd



1701
Kenney
Rd



15 ft. Alley behind 1741 Edgewood Rd.

**PROTESTANT'S
EXHIBIT NO. 1**

5D

JWAY

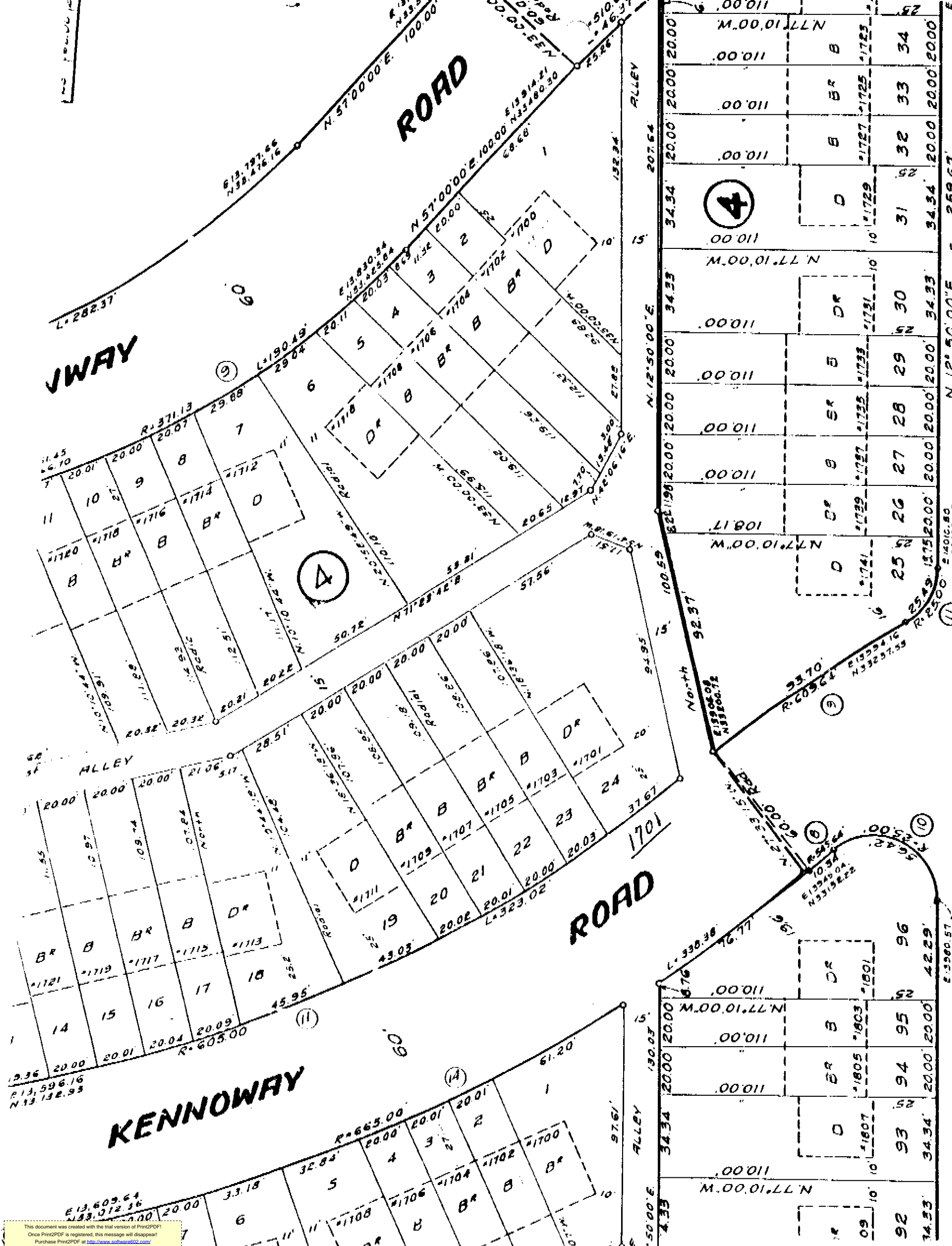
ROAD

KENNOWAY

Edgewood Road 60'-feet
Scale 1"=40'-feet

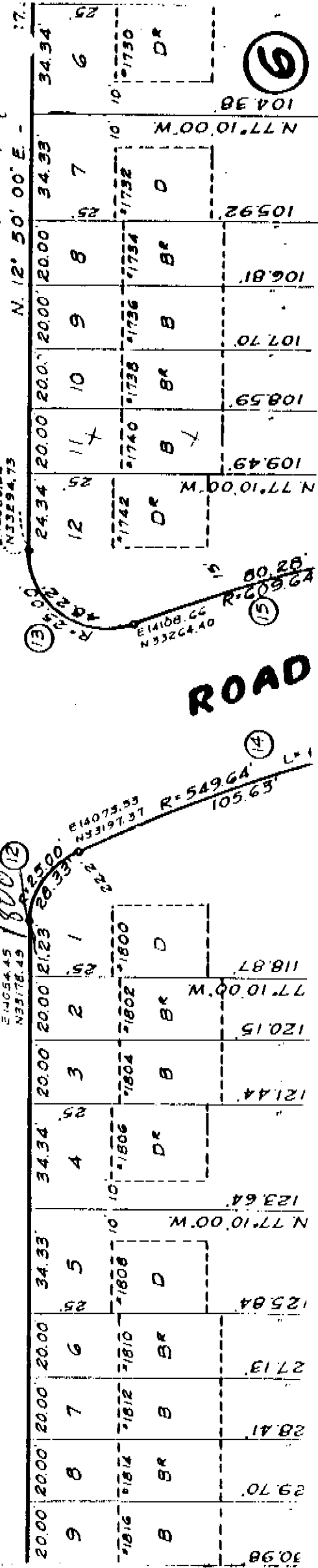
Scale 1" = 40 feet

Clearwood ROAD

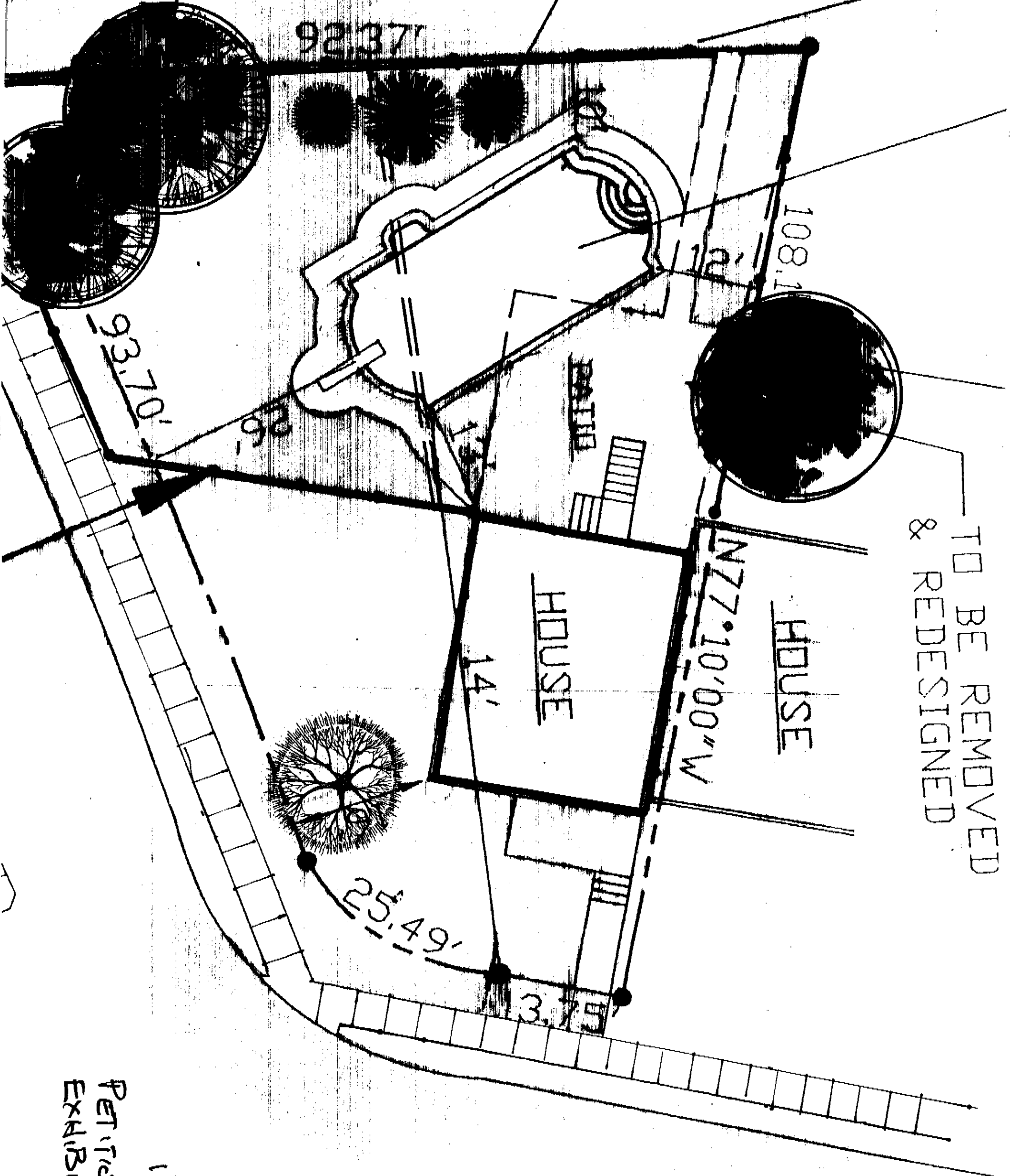


**PROTESTANTS
EXHIBIT NO. 6**

60' Edgewood Road
Scale 1" = 40 feet



5' WIDE CONC. ALLEY



TO BE REMOVED
& REDESIGNED

EDGEWOOD

60'R/W

36' WIDE

1"=10'
PETITIONERS
EXHIBIT 6

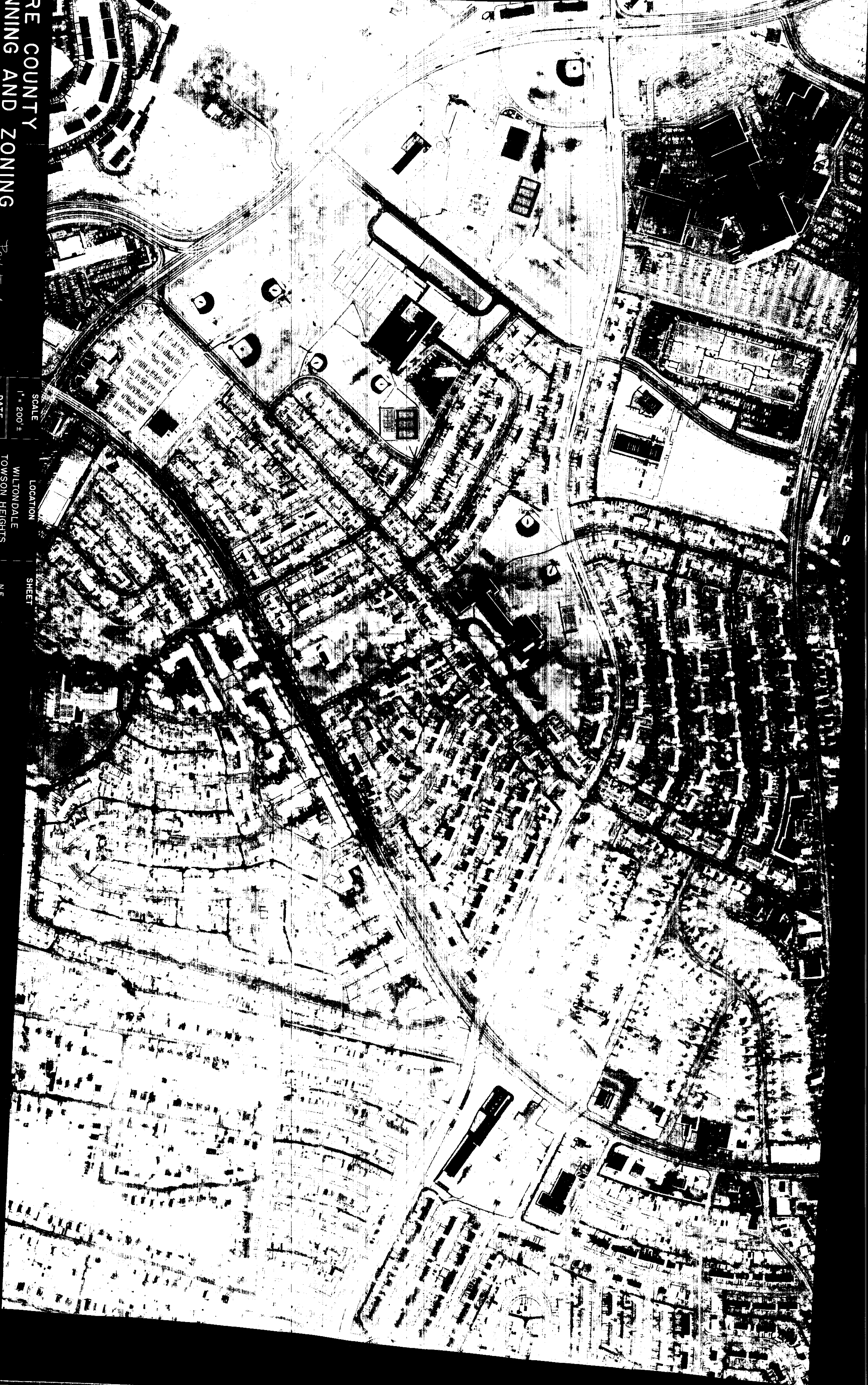
BALTIMORE COUNTY
PLANNING AND ZONING
AERIAL PHOTOGRAPHIC MAP

Part E-1

SCALE	LOCATION	SHEET
1" = 200'	WILTONDALE TOWSON HEIGHTS LOCH RAVEN VILLAGE	N.E. 9-8
DATE OF PHOTOGRAPHY JANUARY 1986		

TOPOGRAPHICS, INC.
401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
AERIAL PHOTOGRAPHIC MAP

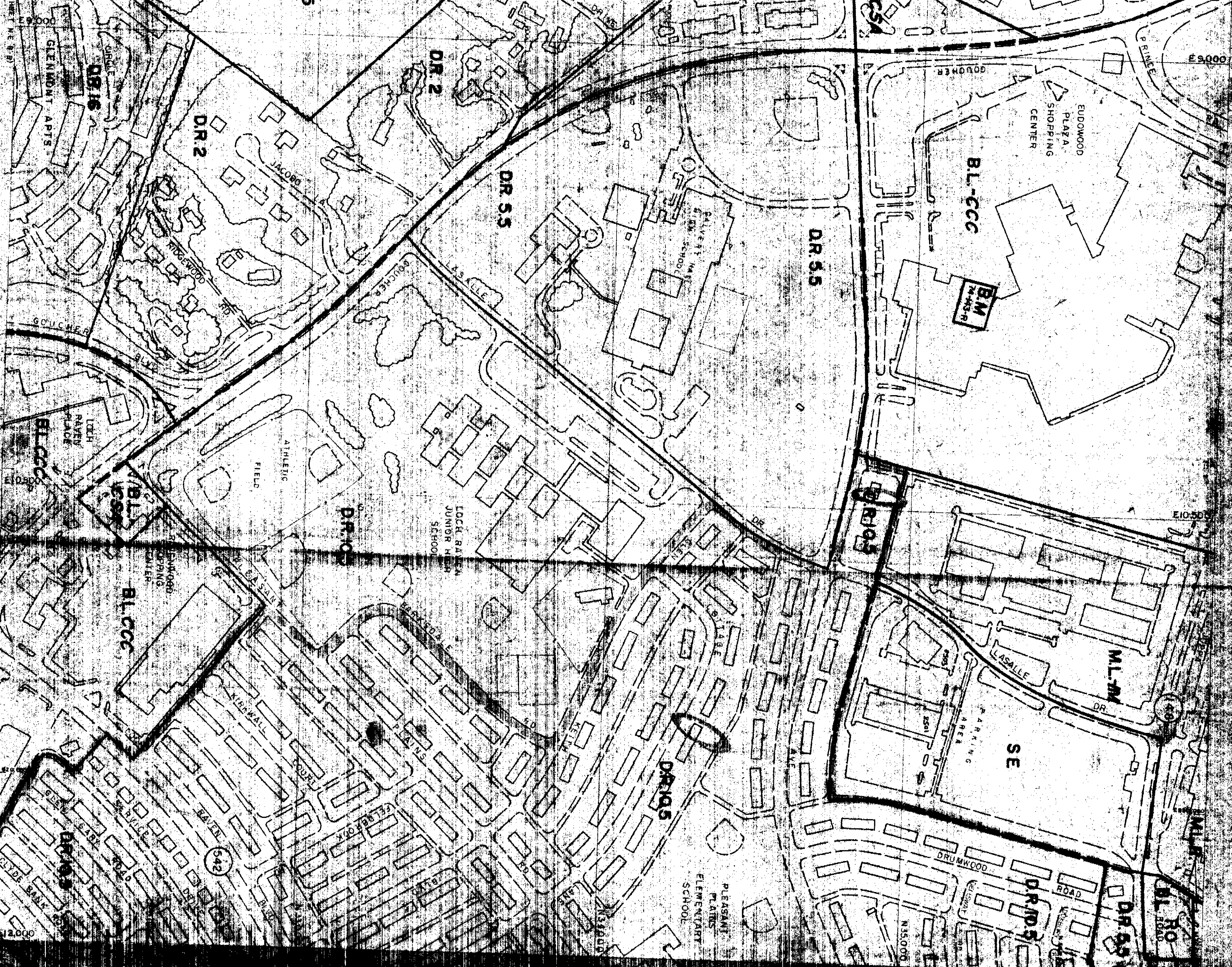


[illegible]

BALTIMORE COUNTY PLANNING AND ZONING ZONING MAP

1993 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
On 12/15/93

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1985
LOCATION	WILTONDALE TOWNSHIP HEIGHTS LOCH RAVEN VILLAGE
SHEET	N.E. 9-B



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1993 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
On 12/15/93

EXHIBIT NO. 2

95-27-A

BALTIMORE COUNTY
PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	WILTONDALE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	TOWSON HEIGHTS LOCH RAVEN VILLAGE	9-8
XGRAPHICS, INC. 11		

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP
PROTESTANTS
EXHIBIT NO. 1





PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BAYNESVILLE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	LOCHRAVEN VILLAGE	9-C
	#29	

95-27-A